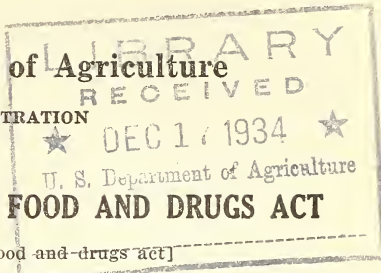


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and-drugs act]

22301-22350

[Approved by the Acting Secretary of Agriculture, Washington, D.C., October 31, 1934]

22301. Adulteration and misbranding of Whitlock's U-Gar-Gl. U. S. v. John Taylor Whitlock (Cherokee Remedy Co.). Plea of guilty. Fine, \$25. (F. & D. no. 26627. I. S. nos. 7267, 10304, 10565.)

This case was based on three interstate shipments of Whitlock's U-Gar-Gl, which was represented in the labeling to be a remedy of the Cherokee Indians, possessing antiseptic and therapeutic properties. Examination showed that the article was not an antiseptic, that it was not a remedy of the Cherokee Indians, and that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed.

On May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Taylor Whitlock, trading as the Cherokee Remedy Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 17, 1930, from the State of Illinois into the State of Wisconsin, on or about September 11, 1930, from the State of Illinois into the State of Michigan, and on or about October 15, 1930, from the State of Illinois into the State of Indiana, of quantities of Whitlock's U-Gar-Gl which was adulterated and misbranded. The article was labeled in part: (Bottle) "Whitlock's U-Gar-Gl [cut of child in Indian costume] The Little Cherokee The Cherokee Remedy * * * Manufactured by Cherokee Remedy Co. (Not Inc.) * * * Chicago."

Analysis by this Department of a sample taken from each of the three shipments showed the following results: (1) and (3) the product consisted of a light-brown liquid containing chiefly water, glycerin, small amounts of alcohol, sodium carbonate, sodium hydroxide, sodium chloride, and minute amounts of menthol, thymol, and aconitine; (2) the product consisted of a light-brown liquid containing chiefly water and small proportions of sodium hydroxide, sodium carbonate, sodium chloride, thymol, and minute amounts of aconitine and menthol.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic, whereas it was not an antiseptic.

Misbranding was alleged for the reason that the statements, "Has also proven good as an antiseptic dressing", and "The Cherokee Remedy", borne on the label, were false and misleading, since the article was not an antiseptic dressing and was not prepared in accordance with a formula known to the Cherokees. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle label, falsely and fraudulently represented that it was effective as an antiseptic dressing for cuts and wounds; and effective, when taken internally, as a treatment, remedy, and cure for disorders of the stomach and kidneys.

On April 26, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22302. Misbranding of Dr. Black's Brown Powder. U. S. v. William E. Black (Dr. W. E. Black Co.). Tried to a jury. Verdict of guilty. Sentence of \$200 fine and 1 day in jail. (F. & D. no. 30240. Sample no. 13378-A.)

Examination of a sample of Dr. Black's Brown Powder showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 20, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William E. Black, trading as Dr. W. E. Black Co., Dallas, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about May 7, 1932, from the State of Texas into the State of Louisiana, of a quantity of Dr. Black's Brown Powder which was misbranded. The article was labeled in part: "Dr. Black's Brown Powder * * * Manufactured, Sold, Guaranteed By Dr. W. E. Black Company, Dallas, Texas."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium bicarbonate, magnesium carbonate, and an iron compound.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing on the wrappers, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective to aid digestion, to cleanse the alimentary tract, kidneys and bladder and to overcome and prevent the numerous health disorders brought about by an accumulation of acids, poisons, and waste matter in the body; effective as a corrective and preventive of acidosis, gastritis, ulceration, bad breath, overeating, and drinking; effective as a treatment for acute conditions and chronic conditions; effective to insure a good digestion and prevent vomiting of food in children; effective as a treatment, remedy, and cure for chronic indigestion; effective as an eliminator; effective to attack the cause of many affections caused by the excessive accumulation of acid poisons in the system; and effective to quickly alleviate indigestion, high blood pressure, palpitation of the heart, auto-intoxication, intoxication, and disorders of the kidneys, spleen, and intestines.

On February 15, 1934, the defendant was arraigned and entered a plea of not guilty, was tried before a jury, and a verdict of guilty was returned by the jury. The sentence of the court was a fine of \$200 and 1 day in jail.

M. L. WILSON, *Acting Secretary of Agriculture.*

22303. Misbranding of Grogan Mineral Water. U. S. v. Arthur Ward Canfil (Grogan Wells Sanatorium). Plea of guilty. Fine, \$250. (F. & D. no. 30237. Sample no. 2233-A.)

This case was based on an interstate shipment of Grogan Mineral Water, the label of which bore unwarranted curative and therapeutic claims.

On October 26, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur Ward Canfil, trading as the Grogan Wells Sanatorium, Sweetwater, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about June 8, 1931, from the State of Texas into the State of New Mexico, of a quantity of Grogan Mineral Water which was misbranded. The article was labeled in part: (Bottle) "Grogan Wells Sanatorium Sweetwater, Tex."

Analysis of a sample of the article by this Department showed that it was a mineral water containing sodium sulphate, magnesium sulphate, calcium sulphate, and smaller proportions of sodium nitrate, calcium carbonate and bicarbonate, ferrous bicarbonate, and silica.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for rheumatism, and gastro-intestinal and all liver and kidney trouble.

On April 11, 1934, the defendant entered a plea of guilty and on April 12, 1934, a fine of \$250 was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22304. Misbranding of Menno. U. S. v. 11 Bottles of Menno. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31288. Sample no. 43993-A.)

Examination of a sample of Menno disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 23, 1933, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 bottles of Menno at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 23, 1933, by the Scientific Manufacturing Co., from Scranton, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including a laxative drug, glycerin, small proportions of sodium bicarbonate, magnesium carbonate, a trace of ipecac alkaloids, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the bottle label, were false and fraudulent: "For indigestion * * * Gas Conditions * * * or Ptomaine poisoning * * * in severe cases repeat every twenty minutes until relieved."

On December 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22305. Misbranding of Happy-Chick Gas Spray. U. S. v. 9 Cans of Happy-Chick Gas Spray. Default decree of forfeiture and destruction. (F. & D. no. 30819. Sample no. 40959-A.)

Examination of a sample of Happy-Chick Gas Spray showed that it contained no ingredient or combination of ingredients capable of producing curative and therapeutic effects claimed in the labeling.

On August 5, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cans of Happy-Chick Gas Spray at Madison, Wis., alleging that the article had been shipped in interstate commerce on or about March 15, 1933, by the Happy-Chick Laboratories, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of eucalyptus oil, menthol, formaldehyde, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the can label, were false and fraudulent: "For all diseases infesting the respiratory system such as colds, roup, infections, bronchitis, and pneumonia. Also splendid for the treatment of chicken pox * * * Take all badly infected birds place in small compartment and spray them severely. It is important to give Happy-Chick Wormer and Tonic at the same time as the Gas Spray treatment to clear up any internal disturbances accompanying the respiratory trouble."

On October 12, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22306. Misbranding of Puton. U. S. v. 33 Large Packages of Puton. Default decree of condemnation and destruction. (F. & D. no. 30388. Sample no. 30252-A.)

This case involved a quantity of Puton, a salve, the labels of which bore unwarranted curative and therapeutic claims.

On May 3, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 33 packages of Puton at Washington, D.C., alleging that the article was in possession of the Peoples Drug Stores, Inc., and

was being offered for sale in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a lead soap, rosin, and camphor.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "For all kinds of Sores Except Cancers. For Man or Beast. Directions—Spread moderately thick on (old) White cotton, large enough to cover affected part." Misbranding was alleged for the further reason that the statement on the label, "Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 8761", was misleading, since it created the impression that the article had been examined and approved by the Government, and that the Government guaranteed that it complied with the law, whereas it had not been so approved and the Government did not guarantee that it complied with the law.

On March 22, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22307. Misbranding of Dr. H. Haehle's Volcanic Earth. U. S. v. Mene L. de Freese. Plea of nolo contendere. Judgment of guilty. Fine, \$50. (F. & D. no. 30333. Sample no. 36953-A.)

Examination of the product involved in this case showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On February 12, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mene L. de Freese, La Mesa, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 13, 1933, from the State of California into the State of Washington, of a quantity of Dr. H. Haehle's Volcanic Earth which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted of a finely powdered iron, calcium, and aluminum silicate.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing in the circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for aggravated diseases, obstinate chronic diseases, obstinate chronic diseases favored by heredity, constipation, severe neurotic stomach trouble, inflammation of the throat, catarrh, diphtheria, and whooping cough; effective to invigorate the body and to have a very beneficent and disinfecting influence upon the throat, tonsils, and ulcerated teeth; effective as a quick relief from pain in cases of kidney trouble; effective as a treatment for sores, festering fingers, and open legs; effective as a treatment against worms, piles, and sinus trouble; and effective as a treatment, remedy, and cure for belching with bad odor or taste, sickness of the stomach, vomiting, pain in the stomach (in cases of badly healed ulcers of the stomach), diarrhoea, headache, aching limbs, pain in the joints, dizziness, insomnia, strong perspiration, gassy or misty exhalations, discharge of urine, eruptions of the skin, disorders of sight or hearing, dejection, and loss of weight.

On February 26, 1934, the defendant entered a plea of nolo contendere. On March 8, 1934, a hearing was held on the plea of nolo contendere, and the defendant was adjudged guilty and fined \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22308. Misbranding of Mi-Cro-Line Bladder and Kidney Remedy, Eucaline Tonic Compound, and Admirene. U. S. v. Jacob R. Hughes. Sentence, \$300 fine and 1 day in jail. (F. & D. no. 30247. I. S. no. 53677. Sample nos. 13582-A, 55655-A.)

Examination of the drug preparations involved in this case showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 20, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jacob R. Hughes, trading with others as

the Eucaline Medicine Co., at Dallas, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about May 9, 1932, from the State of Texas into the State of Arizona, of a quantity of Mi-Cro-Line Bladder and Kidney Remedy, and on or about August 21, 1931, and March 21, 1933, from the State of Texas into the State of Louisiana, of quantities of Eucaline Tonic Compound and Admirine, respectively, which products were misbranded. The articles were labeled, variously: "Mi-Cro-Line Concentrated Bladder & Kidney Remedy * * * Prepared Only by Microline Medicine Co. Manufacturing Pharmacists Dallas, Texas * * * Guaranteed under the Food and Drugs Act, June 30, 1906, No. 1842"; "Eucaline Tonic Compound Tasteless * * * The Eucaline Medicine Co. Dallas Texas Distributors"; "Admirine 'The Body Builder' * * * Manufactured Only By Eucaline Medicine Co. Dallas, Texas."

Analyses of samples of the articles by this Department showed that the Mi-Cro-Line consisted essentially of volatile oils, including oil of eucalyptus, a fatty oil, and benzoic acid; that the Eucaline consisted essentially of cinchona alkaloids (quinidine and cinchonidine), 2.35 grams per 100 cubic centimeters, equivalent to 7.48 grains per fluid ounce; acetanilid (2.7 grains per fluid ounce); oil of peppermint, alcohol, sugar, and water; and that Admirine consisted essentially of sodium sulphate, magnesium sulphate, iron chloride, potassium iodide (0.5 percent), extracts of plant drugs and water flavored with cinnamon oil, and contained no arsenic, mercury, nor alkaloids.

It was alleged in the information that the Mi-Cro-Line was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as a treatment and remedy for all bladder and kidney troubles, gravel and all irregularities of the bladder and kidneys in either sex; effective as a most excellent treatment for stone in the bladder; effective to allay and soothe inflammation of the bladder and kidneys; effective as a great treatment for bladder and kidney troubles, diabetes, seminal emission, weak and lame back, catarrh of the bladder, incontinence of urine, dropsy and all irregularities of the bladder and kidneys in either sex; effective to regulate bladder troubles in children; effective as a remedy to reach the diseases of the bladder and kidneys; effective as a splendid treatment for children in bed-wetting; effective as a remedy for weak kidneys; effective as a treatment, remedy, and cure for pain or dull ache in the back, frequent urination and scanty urine; effective to relieve the worst cases of bladder and kidney troubles; effective as a remedy for all kidney complaint, brick dust deposits, highly colored urine, uric acid poison, hemorrhage of the kidneys and urinary troubles, such as stoppage of urine, calculi, gravel or stone in the bladder, cystitis, retention of urine, painful urination, catarrh of the bladder, diabetes, gallstones, gastric acid and feeling of weakness; effective as a preventive of gravel and stone in the bladder; effective to remove the cause of kidney trouble; effective as a treatment, remedy, and cure for many diseases caused by poison in the blood; effective as a treatment, remedy, and cure for dropsy, swelling of the feet and ankles, rheumatism, gout, gravel, inflammation of the bladder, sleeplessness, anemia, headache, neuralgia, backache, scanty urine, pain in urinating, tired feeling, nervousness, pain in the joints and hips and indigestion; effective to give new energy, life and power to the kidneys, new color to the blood, new life to the body, vigor to the mind and strength to the muscles; effective as a treatment and remedy for pain or weight in loins, backache, swelling of the limbs or feet, swelling under the eyes, uneasy and tired feeling in the region of the kidneys, depression of spirits, reluctance to go anywhere or do anything, dragging sensations, nervousness and sleeplessness in women; effective to insure perfect health; effective to keep the kidneys healthy; and effective to prevent bladder trouble.

Misbranding of Eucaline Tonic Compound was alleged for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects appearing on the bottle and carton labels and in an accompanying circular, falsely and fraudulently represented that the article was effective to stop la grippe; effective to strengthen the system; effective as a remedy in cases of la grippe; effective to act mildly on the liver and bowels; effective as a restorative; effective as a great remedy for la grippe; effective as a wonderful remedy for "what is termed la grippe in our Southern country"; effective as a liver tonic; effective to check and cure la grippe; and effective as a sure remedy for la grippe.

Misbranding of Admirine was alleged for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects, appearing on the bottle and carton labels, falsely and fraudulently represented that the article was effective as a body builder, blood medicine, and restorative tonic; effective to stimulate the liver and kidneys to action, purify the blood, destroy malaria, stop chills and fever and restore vitality to the weakened body; effective as a treatment, remedy, and cure for tired feeling, sluggish liver, dizziness, belching of gas, sour stomach, weakness, indigestion, foul breath, coated tongue, nervousness, sallow skin, chronic chills or ordinary chills, periodical fevers, and the different forms of blood troubles that are caused by malaria poisoning; and effective as a tonic for the blood and general system.

Misbranding of the Mi-Cro-Line was alleged for the further reason that the statement, "Guaranteed under the Food and Drugs Act, June 30, 1906, No. 1842", borne on the carton, was false and misleading, in that the statement represented that the article was guaranteed by the United States Government, whereas it was not guaranteed by the United States Government.

On February 14, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$300 and a sentence of 1 day in jail.

M. L. WILSON, *Acting Secretary of Agriculture.*

22309. Misbranding of Thersol. U. S. v. 18 Bottles of Thersol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30026. Sample no. 4614-A.)

Examination of a sample of Thersol showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 7, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bottles of Thersol at Plymouth, Ind., alleging that the article had been shipped in interstate commerce on or about August 26, 1932, by the Thersol Corporation, from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a solution in water of calcium, sodium, potassium, and magnesium chlorides.

It was alleged in the libel that the article was misbranded in that its labeling contained false and fraudulent statements regarding its curative or therapeutic effects in rheumatism, neuritis, arthritis, myositis, muscular rheumatism, inflammatory rheumatism, chronic rheumatism, pains in the back, nervous breakdown, atrophic arthritis, hypertrophic arthritis, lumbago, high blood pressure, fluttering of the heart, restoring the balance between acidity and alkalinity so that the organs of the body may function in their normal capacity, preventing acidosis, purifying the blood, revitalizing tissue, driving out of the system excessive uric acid deposits and restoring strength.

On February 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22310. Misbranding of St. Joseph Moroline Petroleum Jelly. U. S. v. 1,399 Dozen Jars of St. Joseph Moroline Petroleum Jelly. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32393. Sample nos. 66181-A to 66186-A, incl.)

This case involved shipments of various sized jars of petroleum jelly, the labels of which bore unwarranted curative and therapeutic claims. Sample jars taken from each of the sizes were found to contain less than the weight declared on the label.

On March 21, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,399 dozen jars of St. Joseph Moroline Petroleum Jelly at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on various dates subsequent to August 25, 1933, by the Plough Sales Corporation, from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "No. 2 Size Contents 1 $\frac{1}{4}$ Fl. Ozs. [or "No. 6

Size Contents 5½ Fl. Ozs.", "No. 8 Size Contents 7 Fl. Ozs.", "16 Fl. Ounces.", or "No. 4 Size Contents 3¼ Fl. Ozs." A product of St. Joseph Laboratories, New York-Memphis U. S. A.]

Analyses of samples of the article by this Department showed that it consisted of petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements on the various labels were false and misleading and tended to deceive and mislead the prospective purchaser, since the jars contained less than the declared quantity: "Contents 1¾ Fl. Ozs."; "Contents 5½ Fl. Ozs."; "Contents 7 Fl. Ozs."; "16 Fl. Ounces"; "Contents 3¼ Fl. Ozs."

Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (No. 2 and No. 8 sizes) "A soothing dressing for * * * wounds, sores, * * * piles, etc. Used for sore throat, coughs"; (No. 6, 16-ounce, and No. 4 sizes) "A household remedy for * * * sores, * * * dressing for wounds * * * piles, etc. Used internally it will relieve sore throat, coughs."

On March 28, 1934, the Plough Sales Corporation, Memphis, Tenn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled so that it comply with the requirements of the Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22311. Misbranding of Red Heart Blood Tabs. U. S. v. 9 Bottles of Red Heart Blood Tabs. Default decree of destruction. (F. & D. no. 31089. Sample no. 42494-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about September 14, 1933, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine bottles of Red Heart Blood Tabs at Huntington, W. Va., alleging that the article had been shipped in interstate commerce, on or about April 17, 1933, by the Reese Chemical Co., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of iron carbonate, zinc phosphide, calcium carbonate, and extracts of plant drugs including nux vomica and a laxative drug.

It was alleged in the libel that the article was misbranded in that the following statements in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Red Heart Blood Tabs, Use Red Heart Blood Tabs when you need a tonic or feel a lack of ambition, Red Heart Blood Tabs, a powerful nerve and blood tonic, vim, ambition, zip, strength, punch, fight, energy, youth, pep, system tonic for men and women, aids in stimulating self-confidence, makes you feel healthier and stronger. If you are run down and nervous Blood Tabs will tone your system and aid in bringing back your health and strength."

On March 12, 1934, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering its destruction by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22312. Misbranding of Williams' S. L. K. Formula. U. S. v. 28 Bottles of Williams' S. L. K. Formula. Default decree of condemnation and destruction. (F. & D. no. 31195. Sample no. 41612-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The label of the article failed to bear a correct declaration of the quantity of alcohol present.

On September 30, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 bottles of Williams' S. L. K. Formula at Little Rock, Ark., alleging that the article had been shipped

in interstate commerce, on or about July 7, 1933, by the Williams Laboratories, from Kansas City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, including nux vomica and a laxative drug, methenamine, pepsin, glycerin, alcohol (2.2 percent), and water.

It was alleged in the libel that the article was misbranded in that the statement appearing on the label, "Alcohol Not Over Ten Percent", was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Recommended for Stomach, Liver and Kidney Disorders Biliousness, Dyspepsia * * * Distress after eating, Heartburn, Sour Stomach * * * Sick Headaches, Rheumatism and General Weakness."

On April 16, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22313. Misbranding of Blue Bell Liniment and Vio Liquid Antiseptic. U. S. v. Commercial Laboratories, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 31338. Sample nos. 31325-A, 31776-A.)

This case was based on interstate shipments of Blue Bell Liniment and Vio Liquid Antiseptic. Examination showed that the former contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling, and that the latter was not an antiseptic.

On February 5, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Commercial Laboratories, Inc., Newark, N.Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 25, 1932, and February 21, 1933, from the State of New York into the State of Connecticut, of quantities of Blue Bell Liniment and Vio Liquid Antiseptic, respectively, which were misbranded. The articles were labeled in part: "Commercial Laboratories, Inc., Newark, New York."

Analysis of a sample of the Blue Bell Liniment by this Department showed that it consisted essentially of a petroleum oil such as kerosene, containing small proportions of camphor, oleoresin of capsicum, oil of thyme, and oil of sassafras. Bacteriological examination of the Vio Liquid Antiseptic showed that it was neither an antiseptic undiluted nor an antiseptic when diluted as directed.

It was alleged in the information that the Blue Bell Liniment was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, sore throat, lameness in chest, lame back, rheumatism (not inflammatory), stomach ache, dyspepsia, colic, lameness, stiff joints, and dizziness.

Misbranding of the Vio Liquid Antiseptic was alleged for the reason that the statement "Liquid Antiseptic", borne on the bottle label, was false and misleading, since the article was not liquid antiseptic, either undiluted or when diluted as directed.

On March 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22314. Misbranding of King Menthol, formerly King Menth-Salve. U. S. v. August Luft (King Manufacturing Co., Ltd.). Plea of nolo contendere. Fine, \$25. (F. & D. no. 31343. Sample no. 31877-A.)

Examination of a sample of King Menthol showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On January 13, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed

in the district court an information against August Luft, trading as the King Manufacturing Co., Ltd., Coudersport, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 15, 1933, from the State of Pennsylvania into the State of Connecticut, of a quantity of King Menthol which was misbranded. The article was labeled in part: (Carton) "King Menthol * * * Formerly King Mentho-Salve * * * Made Only by King Manufacturing Co., Ltd., Coudersport, Pa."

Analysis of a sample of the article by this Department showed that it consisted essentially of petrolatum containing small proportions of menthol, methyl salicylate, and eucalyptol.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the therapeutic and curative effects of the article, appearing on the carton and jar labels and in an accompanying circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, catarrh, piles, skin eruptions and any type of inflammation or congestion; effective as a relief for congestion and inflammation in any form; effective as a combination of the finest healing agents known to medical science; effective as a valuable panacea for any emergency; effective as a treatment, remedy, and cure for any one of the many minor accidents which are apt to occur in any home; effective as a treatment, remedy, and cure for asthma, bronchitis, brain fag, croup, deafness, eczema, earache, hay fever, itch, nervous headache, pimples, pleurisy, pneumonia, rheumatism, sore throat, skin diseases, sores, tetter, tonsillitis, toothache, ulcers, salt rheum, Cuban itch, swellings, stiff joints, and stiff neck.

On March 7, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22315. Adulteration and misbranding of Sterling Milk of Magnesia. U. S. v. McKesson-Western Wholesale Drug Co. Plea of guilty. Fine, \$100. (F. & D. no. 30313. Sample nos. 13675-A, 20277-A.)

This case was based on interstate shipments of milk of magnesia which contained a smaller percentage of magnesium hydroxide than prescribed by the United States Pharmacopoeia; and its own standard was not declared since it contained less magnesium hydroxide than declared on the label.

On March 23, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against McKesson-Western Wholesale Drug Co., a corporation, trading at Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 29 and November 30, 1932, from the State of California into the State of Arizona, of quantities of milk of magnesia which was adulterated and misbranded. The article was labeled in part: "Sterling Milk of Magnesia Magma Magnesia * * * containing from 6½ to 7½ per cent of Magnesium Hydroxide. * * * The Sterling Laboratory, Los Angeles, U. S. A." The labels of a portion of the article bore the word "Unofficial."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, since it contained less than 7 percent of magnesium hydroxide, the two lots containing 5.79 percent and 6.34 percent, respectively, of magnesium hydroxide; whereas the pharmacopoeia provides that magnesia magma (milk of magnesia) shall contain not less than 7 percent of magnesium hydroxide; and its own standard of strength, quality, and purity was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to contain from 6½ to 7½ percent of magnesium hydroxide, whereas it contained a less amount.

Misbranding was alleged for the reason that the statement, "Milk of Magnesia Magma Magnesia * * * containing from 6½ to 7½ percent of Magnesium Hydroxide", borne on the bottle label, was false and misleading.

On April 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22316. Adulteration and misbranding of Standard Poultry Worm Treatment, and misbranding of Standard Curalone, Standard Hog Regulator, and Standard Egg A Day. U. S. v. Standard Chemical Manufacturing Co. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 30314. Sample nos. 4811-A, 21978-A, 21980-A, 22038-A, 22121-A.)

This case was based on interstate shipments of various poultry and stock tonics or conditioners, the labels of which bore unwarranted curative and therapeutic claims. The labels of certain of the products were further objectionable in the following respects: The Poultry Worm Treatment did not consist entirely of powdered tobacco, as claimed, but consisted in part of sand; the Hog Regulator would not be of value in fattening hogs and increasing production of pork, and did not contain certain drugs declared on the label; the Egg A Day would not aid egg production as claimed.

On March 2, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Chemical Manufacturing Co., a corporation, Omaha, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 23, 1932, from the State of Nebraska into the State of Illinois, of a quantity of Standard Hog Regulator; on or about August 8, 1932, from the State of Nebraska into the State of Wisconsin of quantities of Standard Poultry Worm Treatment and Standard Curalone; and on or about October 29, 1932, and November 3, 1932, from the State of Nebraska into the States of Iowa and Minnesota, respectively, of quantities of Standard Egg A Day. The articles were labeled in part: "Manufactured by Standard Chemical Mfg. Co., Omaha, Nebr."

Analyses of samples of the articles by this Department showed the following results: The Hog Regulator consisted essentially of sodium chloride, sodium bicarbonate, sodium sulphate, iron sulphate, charcoal, sulphur, sodium thio-sulphate and plant material, including nux vomica—it contained no significant proportion, if any, of antimony sulphide. The Poultry Worm Treatment consisted of inorganic mineral matter (more than 56 percent) including approximately 46 percent of sand, and powdered tobacco. The Curalone consisted essentially of magnesium sulphate, copper sulphate, aluminum sulphate, compounds of sodium and potassium and small proportions of potassium permanganate, chlorides and chlorates; bacteriological examination of the Curalone showed that it was not a germicide when used as directed. The Egg A Day consisted essentially of calcium carbonate, calcium phosphate, sodium hyposulphite, sodium chloride, iron sulphate and iron oxide, together with a small amount of plant material containing a trace of alkaloids.

It was alleged in the information that the Poultry Worm Treatment was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to consist wholly of powdered tobacco; whereas it did not so consist, but did consist in part of sand.

Misbranding of the Poultry Worm Treatment was alleged for the reason that the statement on the label, "Powdered Tobacco", was false and misleading, since the said statement represented that the article consisted wholly of powdered tobacco, whereas it did not, but did consist in part of sand.

Misbranding of the Hog Regulator was alleged for the reason that the statements, "Fattening Hogs * * * It will sharpen the appetite, increase the thrift and improve digestion. It will help to make more pounds of pork from every bushel of grain fed. It will help to get hogs ready for market earlier", contained in the circular, and the statements, "Compounded full strength from the following articles and none other. Sodium Bicarbonate, Sodium Hyposulphite, Sodium Sulphate, Wood Charcoal, Sulphur, Sodium Chloride 10%, Antimony Sulphid 1% of 1%, Sulphate of Iron, Quassia, Levant Worm Seed, Nux Vomica 1/2 of 1%, Anise Seed", borne on the sacks containing the article, were false and misleading, since the article would not fatten hogs, would not increase the thrift of hogs, would not help to make more pounds of pork from every bushel of grain fed, would not help to get hogs ready for market earlier, and it contained no quassia, Levant wormseed, nor anise seed.

Misbranding of the Egg A Day was alleged for the reason that the statements, "Egg a Day How to Buy Egg A Day", borne on the boxes, and the statements, "Egg A Day You bought this package of Egg a Day because you want to get more eggs. The egg is the chief end of poultry production and the number of eggs a hen produces marks the difference between loss and profit.

We want you to get the best results from the use of Egg a Day. We want your hens to make a profit for you. To get the most eggs you must follow these directions. We guarantee you will get more eggs if you follow these directions, but we cannot guarantee anything definite unless they are followed exactly. Give one heaping tablespoonful of Egg a Day once a day to 25 hens. Add the Egg a Day to the dry mash, gruel or moistened feed. A good dry mash is listed below, * * * Use Egg A Day according to directions and you will get results", borne on the circular, were false and misleading, since the article would not enable hens to produce more eggs.

Misbranding was alleged with respect to all products for the reason that the labelings of the articles bore false and fraudulent statements, designs, and devices, regarding their curative and therapeutic effects, in the following respects: The Poultry Worm Treatment was represented to be effective as a treatment for intestinal worms in poultry, whereas it was not. The Curalone was represented to be effective as a germicide for certain diseases of man, animals, and poultry; effective as a treatment, remedy, and cure for sores and certain forms of skin disease, soreness or inflammation of mouth, throat, and eyes, disorders caused by fungus poison, impure water, and impure food; effective as a preventive, treatment, remedy, and cure for digestive troubles and necro in pigs; effective as a treatment, remedy, and cure for colds, roup, swelled head, bowel trouble, canker, diphtheria, chicken pox, and diarrhea in poultry; effective as a preventive of many troubles and diseases in poultry; effective as a tonic and conditioner for all poultry; effective as a treatment for certain skin disorders of animals; effective as a treatment, remedy, and cure for ring worm, barber's itch, and similar troubles; and effective as a treatment, remedy, and cure for hives and swollen feet, whereas it was not. The Hog Regulator was represented to be effective as a treatment, remedy, and cure for scouring, thumps in pigs, worms, and cough; effective to improve thrift, regulate the bowels, keep them free from worms and to assist in preventing disease; effective to sharpen the appetite and improve the digestion; effective to keep pregnant sows in normal, healthy, strong condition and help them farrow large and healthy litters; whereas it was not. The Egg A Day was represented to be effective as a tonic for poultry and growing chickens; effective to develop strong, healthy chickens; effective to prevent sickness of poultry and to insure the production of more eggs; effective to enable poultry to go through the moult better; effective to stimulate the ordinary hen to greater egg laying activity; effective to supply the necessary elements in the proper proportions for maximum egg production; and effective to stimulate and quicken the digestive processes in poultry; whereas it was not.

On April 20, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22317. Misbranding of Sanford's Compound Fluid Extract of Ginger. U. S. v. 141 Packages of Sanfords Compound Fluid Extract of Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30563. Sample no. 39590-A.)

This case involved a shipment of fluidextract of ginger, the labels of which bore unwarranted curative and therapeutic claims.

On June 3, 1933, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 packages of fluidextract of ginger at Providence, R.I., alleging that the article had been shipped on or about March 6, 1933, by the Potter Drug & Chemical Corporation, from Malden, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ginger fluidextract.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the wrapper, the bottle label, and in a circular shipped with the article, were false and fraudulent: (Wrapper label) "Summer And Winter Ills * * * Directions—For relief of pain in Cholera Morbus, Diarrhoea and Dysentery, arising from errors in diet, * * * until relieved. * * * Ordinary Cramps, Colic and similar Internal Pains, * * * Dyspepsia from overeating, * * * For Dyspepsia and disorders of the Stomach and Bowels due to Indigestion, Soreness in the Muscles and Joints due to Exposure and Colds. * * * For

relief of pain in Cramps, Colic, Cholera Morbus, Diarrhoea and Dysentery, arising from errors in diet. * * * Dyspepsia from overeating. * * * For Bilious and Colic Pains, Cramps, Cholera Morbus, Diarrhoea, Dysentery and Chills and Fever Due to Exposure"; (bottle label) "For relief of pain in Cholera Morbus, Diarrhoea and Dysentery, arising from errors in diet * * * If pain is severe. Ordinary Cramps, Colic and similar Internal Pains, * * * Dyspepsia from overeating"; (circular) "For Summer and Winter Ills. * * * Cholera Morbus.—Take one-quarter teaspoonful of Sanfords Ginger in half a cup of hot water, well sweetened with sugar, every half hour until relieved, adding to the first dose, and, in severe cases, the second and third doses, half an even teaspoonful of saleratus or baking soda. If the attack be severe, attended with cramps and diarrhoea, double the dose of Sanfords Ginger and apply hot cloths or hot-water bag to the bowels. When the symptoms of Cholera Morbus have fully subsided, a dose of Tincture of Rhubarb may be taken. For Children.—Take one-quarter teaspoonful of Sanfords Ginger, one-quarter teaspoonful of saleratus, and one cupful of hot milk, perfectly fresh. Give teaspoonful doses of this mixture every half hour, until relief is shown by a change in the discharges. After the vomiting and purging have ceased for some time, a teaspoonful of Syrup Rhubarb should be given, or a little Castor Oil. Diarrhoea.—Take one-quarter to one-half teaspoonful of Sanfords Ginger in half a cup of hot water, well sweetened, adding to the first dose, and, in severe cases, the second and third doses, half an even teaspoonful of saleratus or baking soda. Repeat after every operation until relieved. In severe cases, after three doses of Sanfords Ginger, a dose of Sweet Tincture of Rhubarb may be taken. Dysentery.—First take one or two teaspoonfuls of Castor Oil in lemon juice. When this has operated, take one-quarter teaspoonful of Sanfords Ginger in a cup of hot milk, sweetened with sugar. Repeat, if deemed advisable. Cramps and Soreness.—Take one-quarter to one-half teaspoonful of Sanfords Ginger in a cup of hot water, well sweetened, every half hour until relieved. In severe cases apply hot flannels or hot-water bag to the bowels. * * * Sick Headaches.—* * * Chills * * * Throughout the South and West, where Chills and Fever prevail, Sanfords Ginger is highly appreciated. It tends to prevent that debilitated state of the system preceding acclimation, * * * Dyspepsia And Indigestion.—* * * It stimulates digestion, * * * usually prevents the sense of fullness or oppression after eating. * * * should try it when * * * nervous or sleepless, or after exposure to * * * chills. * * * will be found a most * * * strengthening * * * for Convalescents, Dyspeptics, and delicate women and children."

On June 26, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22318. Adulteration and misbranding of Dr. Davis Vegetable Nerveine.
U. S. v. 143 Bottles of Dr. Davis Vegetable Nerveine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29749. Sample no. 4581-A.)

Examination of Dr. Davis Vegetable Nerveine showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The name of the article conveyed the impression that it was entirely of vegetable origin, whereas it contained mineral drugs.

On January 17, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 bottles of Dr. Davis Vegetable Nerveine at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about August 9, 1932, by the Devore Manufacturing Co., from Columbus, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ammonium, sodium, potassium and lithium bromides, extracts of plant drugs including valerian, sodium benzoate, sugar, and water, flavored with lemon oil.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, viz, "Vegetable Nerveine", since it consisted in large part of ingredients not of vegetable origin.

Misbranding was alleged for the reason that the statement on the carton and bottle labels, "Vegetable Nervine", was false and misleading, in view of the composition of the article. Misbranding was alleged for the further reason that certain statements in the labeling falsely and fraudulently represented that the article was effective in the treatment of nervous disturbances, sleeplessness, restlessness, hysteria; effective to relax the nerves, calm the body, and induce natural sleep; effective in the treatment of dipsomania, drunkenness, delirium tremens, epilepsy, fits, nervous dyspepsia, nervous irritation, neuralgia, dizziness, weakness of the heart, eyes, stomach, etc., and sciatica.

On January 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22319. Misbranding of Quatented or Black Powder. U. S. v. 21 Packages of Quatented or Black Powder. Default decree of condemnation and destruction. (F. & D. no. 31186. Sample no. 47034-A.)

Examination of the product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 4, 1933, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Quatented or Black Powder at Nashua, N.H., alleging that the article had been shipped in interstate commerce, on or about August 24, 1933, by the J. H. Woodward Co., from Providence, R.I., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of charcoal, red pepper, and sulphur.

It was alleged in the libel that the article was misbranded in that it was falsely and fraudulently labeled as to its curative or therapeutic effects in the treatment of chills, la grippe, sick headache, sore throat, tonsillitis, dyspepsia, indigestion, rheumatism, cholera morbus, pains in the stomach and cough, in regulating and purifying the gastric juice, starting action in the debilitated stomach and intestines, promoting a healthy assimilation of food, allaying pain; effective in the treatment of diseases of the horse including colic, wind colic, spinal meningitis, stoppage of water, black water, chills, fever, heaves, pneumonia, distemper, acclimated cough, pink eye, and sore throat, diseases of the cow, including bloat, milk fever, inflammation of the bowels, garget and scours, sheep out of condition, scouring or running at the nose, sick hogs or pigs, hens with roup, to make hens lay in cold weather, and all acute ailments of animals.

Misbranding of the article was alleged for the further reason that the statement, "Guaranteed by J. H. Woodward Co., under the Food and Drugs Act June 30, 1906, as amended", was misleading, since it created the impression that the article had been examined and approved by the Government and that the Government guaranteed that it complied with the law, whereas it had not been so approved and the Government did not guarantee that it complied with the law.

On June 5, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22320. Adulteration and misbranding of milk of magnesia. U. S. v. 134 Dozen Bottles of Milk of Magnesia. Default decree of condemnation and destruction. (F. & D. no. 30469-A. Sample nos. 31872-A, 31882-A, 31883-A.)

This case involved an interstate shipment of milk of magnesia, a product recognized in the United States Pharmacopoeia. Samples taken from the lot were found to contain a smaller proportion of magnesium hydroxide than provided by the said pharmacopoeia, and were not labeled to show their own standard. The labels bore unwarranted curative and therapeutic claims.

On May 17, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 134 dozen bottles of milk of magnesia at West Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about March 14, March 23, and April 19, 1933, by the Park

Drug Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the label that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and failed to comply with the standard of strength prescribed by that authority, namely, not less than 7 percent of magnesium hydroxide, and its own standard of strength was not stated on the label.

Misbranding was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the bottle label, were false and fraudulent: "An excellent * * * remedy * * * for dyspepsia * * * indigestion and nausea, * * * Dyspepsia * * * indigestion: One tablespoonful in an equal quantity of water, * * * After brushing the teeth, rinse the mouth with an equal quantity of Milk of Magnesia and water. This will * * * help prevent tooth decay."

On March 10, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22321. Misbranding of Pa-Poose Root Beer Extract. U. S. v. E. A. Zatarain & Sons, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 30297. Sample nos. 7304-A, 16937-A, 16943-A, 16946-A.)

This case involved shipments of root beer extract, the labeling of which bore unwarranted therapeutic and curative claims.

On February 26, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against E. A. Zatarain & Sons, Inc., New Orleans, La., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 11 and August 13, 1932, from the State of Louisiana into the State of Alabama, and on or about July 2 and July 11, 1932, from the State of Louisiana into the State of Mississippi, of quantities of root beer extract which was misbranded. The article was labeled in part: "PaPoose Root Beer Extract * * * E. A. Zatarain & Sons."

Analyses of samples of the article by this Department showed that it consisted essentially of an aqueous solution of caramel, glycerin, and oils of sassafras and wintergreen, containing little, if any, plant material.

Misbranding was alleged in the information with respect to one of the lots for the reason that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the jugs, falsely and fraudulently represented that the article was effective as a blood purifier; effective as a treatment, remedy, and cure for the sick and afflicted; effective as a treatment for the blind and all cases of incurable diseases; effective as a treatment, remedy, and cure for sick stomach, dyspepsia, insomnia, indigestion, and all other sicknesses which are caused from the impurity of the blood; effective to change any morbid action of the stomach, liver, and kidneys; effective as a treatment for sugar in diabetic patients; effective as a treatment for ulcers, sores, flooding, diarrhoea, whites, diseases of the breast and lungs, diseases of the veins and the bladder, chronic rheumatism, skin diseases, syphilis, scrofula, biliousness, internal heat, hectic fever, palpitation of the heart, piles, cutaneous eruptions, cough, jaundice and hypochondria; effective to break the stone and cause it to be expelled by urine; effective to relieve coughing and to sheathe the mucous membrane; effective to promote digestion, to cleanse the blood and strengthen the liver if affected by cholera, flux, and spitting of blood; effective to relax pain in the stomach and bowels, to stimulate the stomach to action and to strengthen the urinary organs; effective as a treatment for obstruction of the liver, gall, and spleen and diseases arising from them, and to open the passage of the urine, and to invade and heal ulcers in the urinary passages; effective to break stone in the kidneys and bladder; effective to destroy worms; effective to excite and increase healthy action; effective to bring on the menses; and effective as a treatment, remedy, and cure for sick patients.

Misbranding was alleged with respect to the remaining lots for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottle label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for the sick and afflicted, and effective as a treatment for the blind and all cases of incurable diseases.

On March 12, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22322. Adulteration and misbranding of ether. U. S. v. J. T. Baker Chemical Co. Plea of guilty. Fine, \$120. (F. & D. no. 30325. Sample nos. 27594-A, 33796-A, 33797-A, 35330-A.)

This case was based on interstate shipments of ether which was represented to be of pharmacopoeial standard. Samples taken from the article showed excessive residue upon evaporation. One of the lots was also found to contain excessive acid.

On March 5, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the J. T. Baker Chemical Co., a corporation, Phillipsburg, N.J., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 5, 1932, from the State of New Jersey into the State of California, and on or about January 11 and February 6, 1933, from the State of New Jersey into the State of Illinois, of quantities of ether which was adulterated and misbranded. The article was labeled in part: "Ether U. S. P. * * * J. T. Baker Chemical Co. Phillipsburg, N.J."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that 50 cubic centimeters of the article, when dried at 100° C., showed a residue in excess of 0.001 gram, and one of the lots required more than 0.4 cubic centimeter of fiftieth-normal sodium hydroxide to neutralize the acid; whereas the pharmacopoeia provides that ether, when dried at 100° C., shall show a residue not in excess of 0.001 gram per 50 cubic centimeters, and that 25 cubic centimeters of ether shall require not more than 0.4 cubic centimeter of fiftieth-normal sodium hydroxide to neutralize the acid; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement on the label, "Ether U.S.P.", was false and misleading.

On April 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$120.

M. L. WILSON, *Acting Secretary of Agriculture.*

22323. Alleged adulteration and misbranding of fluidextract of squill. U. S. v. Sharp & Dohme, Inc. Plea of nolo contendere. Judgment of not guilty. (F. & D. no. 30278. Sample no. 12290-A.)

This case was based on a shipment of fluidextract of squill which was represented to be of pharmacopoeial standard. A sample taken from the shipment was analyzed and found to be of approximately one half the strength provided by the United States Pharmacopoeia.

On December 20, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sharp & Dohme, Inc., trading at Philadelphia, Pa., alleging shipment by said company, on or about August 18, 1932, from the State of Pennsylvania into the State of New York, of a quantity of fluidextract of squill, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fluid Extract Squill U. S. P. X. (Urginea maritima) Biologically Standardized * * * Sharp & Dohme Philadelphia—Baltimore."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that the pharmacopoeia provides that 1 cubic centimeter of fluidextract of squill shall correspond to 0.83 milligram of ouabain, whereas 1 cubic centimeter of the article corresponded to less than 0.83 milligram of ouabain, namely, not more than 0.43 milligram of ouabain; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was further alleged in that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged in that the statement, "Fluid Extract Squill U. S. P. X. * * * Biologically Standardized", borne on the label, was false and misleading.

On January 22, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court entered judgment of not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

22324. Adulteration and misbranding of radium chloride ampoules and misbranding of radium bath salts. U. S. v. Mrs. Sally Bryan (Denver Radium Service). Plea of nolo contendere. Fine, \$25. (F. & D. no. 30298. Sample nos. 9563-A, 9564-A, 9568-A.)

This case was based on the interstate shipment of radium chloride ampoules labeled as containing 5 micrograms and 10 micrograms, respectively, of radium. Analyses showed that they contained less than the labeled quantity of radium. There was also covered by the case a shipment of radium bath salts which were labeled with unwarranted curative and therapeutic claims.

On December 21, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Sally Bryan, trading as the Denver Radium Service, Denver, Colo., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 7, 1932, from the State of Colorado into the State of Virginia, of quantities of radium chloride ampoules which were adulterated and misbranded, and on or about March 26, 1932, from the State of Colorado into the State of Virginia, of a quantity of radium bath salts which were misbranded. The boxes containing the said ampoules were labeled in part: "Radium Content DRS Guaranteed Denver 5 microgram Ra. [or "10 Microgram Ra.]" (Chloride) Certified and Prepared for Denver Radium Service Denver, Colo." The bath salts were labeled in part: "One Standard Radium Emanation Bath D. R. S. * * * Denver Radium Service Denver, Colo."

Analyses of samples of the articles by this Department showed that they consisted essentially of mixtures of common salt and carnotite ore. A sample of the alleged 5-microgram ampoules contained 4.28 micrograms of radium; 2 samples of the alleged 10-microgram ampoules contained 7.29 and 2.50 micrograms of radium, respectively; a sample of the bath salts contained 4.81 millimicrograms of radium per gram.

It was alleged in the information that the radium chloride ampoules were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that they were represented to contain 5 micrograms and 10 micrograms, respectively, of radium, whereas they contained less amounts.

Misbranding of the said ampoules was alleged for the reason that the statements on the boxes and ampoules, "5 Microgram Ra." and "10 Microgram Ra.", were false and misleading. Misbranding of the bath salts was alleged for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, borne on the carton and box labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for nervous disorders, insomnia, general debility, arthritis, and rheumatism.

On April 21, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22325. Misbranding of Nu-Vim. U. S. v. 30 Bottles of Nu-Vim. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31063. Sample no. 49681-A.)

Examination of Nu-Vim Tonic showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article contained undeclared alcohol.

On September 11, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bottles of Nu-Vim at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, on or about May 10, 1933, by D. H. Browder, from Port Gibson, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Manufactured by Nu-Vim Chemical Company, Port Gibson, Miss."

Analysis of a sample of the article by this Department showed that it consisted essentially of magnesium sulphate, an iron compound, an extract of a laxative plant drug (alcohol 1.7 percent), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "Nu-Vim A Tonic and System Purifier Directions Adults one tablespoonful in water every two hours until bowels act well, then three times a day. Children in proportion to age"; (carton) "Nu-Vim A Tonic and System Purifier New Lease on Life Nu-Vim is highly recommended in the treatment of Chronic Constipation, Indigestion, Blood, Stomach, Kidney and Functional Disorders of the Liver System Builder Nu-Vim aids the natural digestive process through its prompt though gentle corrective action; bodily nourishment is derived through the proper assimilation of wholesome foods. Nu-Vim establishes the regular and free movements of the bowels and is therefore looked upon as a Blood Medicine and System Purifier * * * Indigestion."

Misbranding was alleged for the further reason that the package containing the article failed to bear a statement of the quantity or proportion of alcohol contained therein.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22326. Misbranding of Billy B. Van's Pine Tree Ointment. U. S. v. Commercial Laboratories, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 30312. Sample no. 16550-A.)

This case was based on an interstate shipment of an ointment, the labels of which bore unwarranted claims for its effectiveness as an antiseptic and germicide.

On November 27, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Commercial Laboratories, Inc., a corporation, Newark, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 15, 1932, from the State of New York into the State of New Hampshire, of a quantity of an ointment which was misbranded. The article was labeled in part: (Carton and jar) "Billy B. Van's Pine Tree Ointment Pine Tree Products Co., Newport, New Hampshire"; (carton) "It is Antiseptic, germicidal"; (circular) "Pine Needle Oil * * * is recognized as one of the most effective disinfectants, germicides and antiseptics."

Analysis of a sample of the article by this Department showed that it consisted of a pale-green ointment containing chiefly petrolatum and volatile oils, apparently pine oil, menthol, and camphor. Bacteriological examination showed that it was not antiseptic and was not germicidal when used as directed.

It was alleged in the information that the article was misbranded in that the statements in the labeling, (carton) "It is antiseptic, germicidal", and (circular) "Pine Tree Needle Oil * * * is recognized as one of the most effective * * * germicides and antiseptics", were false and misleading, since the article was not a germicide and was not an antiseptic.

On March 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22327. Misbranding of Cly-Tone Tonic, Liberty Nerve and Gland Treatment, Liberty Liniment, Liberty Tonic, Ru-Co Skin Remedy, 7 A's Pain Killer, 7 A's Iron Tonic, and Cly-Tone Pain Killer. U. S. v. 8 Bottles of Cly-Tone Tonic, et al. Default decrees of condemnation and destruction. (F. & D. nos. 30780, 30788 to 30794, incl., 30798. Sample nos. 34314-A to 34319-A, incl., 34324-A, 34325-A, 41601-A.)

Examination of the drug products involved in these cases showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the respective labelings.

On or about August 2, 1933, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 8 bottles of Cly-Tone Tonic, 45 packages of Liberty Nerve and Gland Treatment, 47 bottles of Liberty Liniment, 156 bottles of Liberty Tonic, 42 jars of Ru-Co Skin Remedy, 11 bottles of 7 A's Pain Killer, 17 bottles of 7 A's Iron Tonic, and 9 bottles of Cly-Tone Pain Killer at Little Rock, Ark. On August 3, 1933, a

libel was filed against 21 bottles of Cly-Tone Tonic at Cairo, Ill. It was alleged in the libels that the articles had been shipped in interstate commerce, by the Clyde Collins Chemical Co., from Memphis, Tenn., into the States of Arkansas and Illinois, respectively; that the shipments had been made between the dates of January 24, 1933, and July 14, 1933; and that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed the following results: The Cly-Tone Tonic consisted essentially of Epsom salt, extracts of plant drugs, small proportions of salicylic acid and an iron compound, and water; the Liberty Nerve & Gland Treatment consisted essentially of sodium bicarbonate (92 percent) and starch; the Liberty Liniment consisted essentially of a petroleum distillate such as kerosene and a small proportion of methyl salicylate; the Liberty Tonic consisted essentially of Epsom salt (22 grams per 100 milliliters), iron chloride (0.17 gram per 100 milliliters), salicylic acid (0.2 gram per 100 milliliters), extracts of plant drugs including a laxative drug, and water; the Ru-Co Skin Remedy consisted essentially of methyl salicylate (11.6 percent) incorporated in petrolatum; the 7 A's Pain Killer consisted essentially of methyl salicylate (1.7 grams per 100 milliliters) and a light petroleum distillate such as gasoline; the 7 A's Iron Tonic consisted essentially of Epsom salt, iron chloride, a small proportion of salicylic acid, extracts of plant drugs, and water; and the Cly-Tone Pain Killer consisted essentially of methyl salicylate (3 percent) dissolved in a petroleum distillate such as gasoline.

It was alleged in the libels that the articles were misbranded in that the following statements regarding their curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Cly-Tone Tonic, bottle and carton) "Cly-Tone Tonic" * * * Made for your Health * * * Cly-Tone is highly indicated in the treatment of chronic Constipation, Indigestion, Blood, Stomach, Kidney and Functional Disorders of the Liver"; (carton only) "Indigestion" * * * Cly-Tone first aid to health for the Stomach, Blood, Liver or Kidneys"; (Liberty Nerve and Gland Treatment, carton) "Nerve & Gland Treatment The Body Builder" * * * Nerve & Gland Treatment Strength Energy"; (Liberty Liniment, bottle) "The Master of Pains For Relief of Pains, such as Rheumatism" * * * Toothache, Lame Back, Stiff and Sore Joints" * * * Sore" * * * Feet"; (carton) "The Master of Pains Such as" * * * Toothaches, Stiff, Sore and Swollen Joints, * * * Sore" * * * Feet, Lame Backs and a wonderful Relief for Rheumatism. * * * The Miracle Oil"; (Liberty Tonic, bottle) "The Great Body Builder" * * * Kidney and Bladder Treatment A Remarkable Blood Purifier"; (carton) "The Great Body Builder" * * * Kidney and Bladder Treatment A Remarkable Blood Purifier" * * * Indigestion * * * first aid to health for the Stomach, Blood, Liver or Kidneys"; (Ru-Co Skin Remedy, jar) "Skin Remedy Pimples, Bumps, Itch, Eczema" * * * After using three or four days, you may then use once a week if needed, until you are entirely well. Highly recommended for face blemishes, bumps, pimples" * * * Skin Remedy" * * * dependable skin remedy" * * * Highly indicated in the treatment of itch, eczema, sore, tender and inflamed feet, * * * itch between toes and fingers, blotches on face and neck, old sores better, * * * and skin complaints"; (7 A's Pain Killer, bottle) "Pain Killer The Master of Pains For Relief of Pains, such as Rheumatism" * * * Toothache, Lame Back, Stiff and Sore Joints" * * * Sore" * * * Feet"; (carton) "Pain Killer The Master of Pains such as" * * * Toothaches, Stiff, sore and swollen Joints" * * * Sore" * * * Feet, Lame Backs and a Wonderful Relief for Rheumatism" * * * The Miracle Oil"; (7 A's Iron Tonic, bottle) "Iron Tonic The Miracle Medicine Indigestion" * * * Stomach, Kidney and Functional disorders of the Liver, the True cause of Blood troubles and many other diseases of the Body"; (carton) "Iron Tonic The Miracle Medicine First Aid to Health" * * * Highly indicated in the Treatment of Chronic Constipation and Indigestion, the True cause of many Diseases such as Stomach, Kidney, Liver and Blood Troubles, and Many Other Functional Disorders of the Body. * * * Indigestion" * * * Stomach, Kidney, Liver"; (Cly-Tone Pain Killer, carton) "For relief of pains such as rheumatism" * * * Toothache, Lame Back, Stiff and Sore Joints" * * * Sore" * * * Feet."

On April 16 and May 4, 1934, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22328. Adulteration and misbranding of Furstenberg's Felsol. U. S. v. 68 Packages of Furstenberg's Felsol. Default decree of condemnation and destruction. (F. & D. no. 30899. Sample no. 12716-A.)

This case involved a quantity of Felsol which contained undeclared acetphenetidin, a derivative of acetanilid. The labeling bore a statement of the ingredients, and claims that the article was harmless even when used continuously; that it would not produce bad after-effects, and similar claims; whereas it was not of the composition declared, and contained drugs which might be harmful. The labeling also bore unwarranted curative and therapeutic claims.

On August 11, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 68 packages of Furstenberg's Felsol at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 7, 1933, by the American Felsol Co., from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it contained antipyrine (phenazone), acetphenetidin (a derivative of acetanilid), caffeine, and an iodine compound.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (circular) "'Felsol' consists of Metozin 0.9 (Phenazone 0.25, Anilipyrin 0.4, Iodopyrin 0.25), Caffein 0.1, Digitalis and Strophanthus Glucosides 0.0015, and the Alkaloid Lobelia Inflata 0.005", since it did not have the composition claimed.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "Notice Felsol is free of all narcotics or habit forming drugs and is Guaranteed to be absolutely harmless even when used continuously. The most delicate patients need not fear any bad after effects in regard to the heart, stomach or kidneys. The medicine is not cumulative in its action: The dosage does not have to be increased with extended use of the medicine"; (circular) "The special process employed for compounding the glucosides and the lobelia preparation represents a new departure in chemistry. * * * produces no bad after effects, such as headache, vomiting, etc. * * * 'Felsol'—can be used in cases of cardiac affections. * * * 'Felsol'—is not cumulative in its action and the dose does not have to be increased with protracted use of the medicine. 'Felsol'—does not produce bad after effects, such as headache, vomiting, exhaustion, etc.; it stimulates the desire for mental and physical activity."

Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Felsol Indicated in Asthma and Hay Fever * * *"; (circular) "Felsol is indicated in: Bronchial and Cardiac Asthma Angina Pectoris Chronic Bronchitis Spasmodic or Convulsive Cough Hay Fever * * * This special process of compounding as well as the ideal selection of ingredients are the real cause of the distinguished therapeutic effects obtained with 'Felsol.' The various ingredients stimulate the pulmonary and cardiac organs in such a way that the resultant effects supplement or increase each other, which in turn permits a reduction of the percentage of these ingredients to a minimum. * * * To check an attack of asthma one to two powders are generally required, the second powder to be given from two to three hours after the first. In rare cases a third powder may be found necessary. It is always advisable to continue taking a few powders a day for several days after the attack. Where the Physician has no special reason to prescribe otherwise, the following general directions are given: First week:—One powder three times daily one hour after meals. Second week:—one powder morning and evening. Third week:—one powder every morning. After the patient has sufficiently recovered, the dosage may be still further reduced and a powder twice a week has proved sufficient in many cases to maintain

the patient's well being. In less severe cases the dosage may be reduced from the beginning of the treatment, while in severe chronic cases of long standing it may have to be increased. Where it is not deemed necessary to use Felsol continuously the patient should be advised, in case symptoms of an approaching attack are perceived, such as nervous excitation, headache, itching of the nose or the skin, severe sneezing, yawning and other subjective symptoms, to start taking from one to two powders during the day. In this way the actual spasm is usually to the greatest extent and often completely prevented. * * * 'Felsol'—can be used in cases of cardiac affections."

Misbranding was alleged for the further reason that the package failed to bear on its label a declaration of the quantity or proportion of acetphenetidin, a derivative of acetanilid, contained in the article.

On October 18, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22329. Misbranding of Wyeth's Wycones. U. S. v. 58 Packages of Wyeth's Wycones. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31879, 31880. Sample nos. 66691-A, 66696-A.)

Examination of a sample of Wyeth's Wycones showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On January 29, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 packages of Wyeth's Wycones at Denver, Colo., consigned by John Wyeth & Bro., alleging that the article had been shipped in interstate commerce, in various consignments, on or about April 29, May 27, and August 11, 1932, from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of oxyquinoline sulphate, 1 grain; boric acid, 5 grains; salicylic acid, 0.9 grain; and cocoa butter, 32 grains per cone.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: "Indications: Leukorrhea, simple inflammations of the vaginal tract * * * etc."

On April 2, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22330. Adulteration and misbranding of aspirin tablets. U. S. v. 24 Display Cards of Aspirin Tablets. Default decree of condemnation and destruction. (F. & D. no. 32032. Sample no. 43085-A.)

Samples of alleged 5-grain aspirin tablets were found to contain less than 5 grains of aspirin. The article also contained an excessive amount of free salicylic acid.

On or about February 24, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 display cards each containing twelve 5-grain aspirin tablets at Hartford, Conn., alleging that the article had been shipped in interstate commerce, on or about February 1, 1934, by Feldman-Martin, Inc., from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, since the tablets contained materially less aspirin than the amount declared on the label, and also an excess of free salicylic acid.

Misbranding was alleged for the reason that the statement on the label, "5 Gr. Aspirin * * * Tablets", was false and misleading.

On April 12, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22331. Misbranding of whisky. U. S. v. 500 Cases of Whisky. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31820. Sample no. 56061-A.)

This case involved a shipment of whisky, the labels of which bore unwarranted curative and therapeutic claims.

On or about January 11, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 cases of whisky at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about November 22, 1933, by the American Medicine Spirits Co., Inc., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Old Grandad Bottled in Bond Since 1788 Whisky."

It was alleged in the libel that the article was misbranded in that the following statements on the carton, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Meritorious in treating pulmonary conditions, la grippe, influenza, bronchitis, stomach complaints, malaria, typhoid and other low fever, * * * to render system immune from various diseases * * * Externally for ulcers."

On March 6, 1934, the American Medicinal Spirits Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$15,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22332. Misbranding of Skin Ease. U. S. v. 25 Boxes of Skin Ease. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31788. Sample no. 56759-A.)

Examination of a sample of Skin Ease showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 30, 1933, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 boxes of Skin Ease at Montgomery, Ala., alleging that the article had been shipped in interstate commerce, on or about June 16, 1931, by Osteen & Co., Inc., from Orlando, Fla., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of salicylic acid (22.5 percent) incorporated in an ointment base including lard.

It was alleged in the libel that the article was misbranded in that the following statements on the box label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Skin Ease, A Guaranteed Remedy for Eczema * * * Tetter, Ground Itch, Barbers Itch, Itching Piles, Sore Blistered Feet * * * Directions Apply Small amount of Salve to affected parts."

On March 23, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22333. Misbranding of Parker's Stock Powder. U. S. v. Charles Edward Parker (Parker Homestead Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. no. 30250. I. S. no. 50807.)

Examination of a sample of Parker's Stock Powder showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 19, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Edward Parker, trading as the Parker Homestead Co., Shenandoah, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about February 5, 1932, from the State of Iowa into the State of Missouri, of a quantity of Parker's Stock Powder which was misbranded. The article was

labeled in part: (Sack) "Parker's Stock Powder, * * * MFD by C. E. Parker Feed Co. Shenandoah, Iowa."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphate, sodium bicarbonate, sulphur, charcoal, and small proportions of chenopodium and sodium thiosulphate.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in a circular shipped with the article, falsely and fraudulently represented that it was effective as a wormer; effective to keep hogs in good shape; effective as a treatment, remedy, and cure for necro or enteritis, worms, white scours or other ailments and hog troubles, hog cholera and as a preventive of hog cholera; effective to help build up vitality and disease resistance; effective as a treatment, remedy, and cure for hog flu; effective to relieve fever and constipation; and effective as a treatment, remedy, and cure for thumps, bull nose—necrotic rhinitis-paralysis of the hind quarters and rickets, and for colic in horses.

On February 14, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$100 and costs. The fine was subsequently reduced to \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22333-A. Misbranding of Dri-Tone. U. S. v. Charles Edward Parker and Floyd F. Hopkins (Dri-Tone Co.). Pleas of guilty. Fines, \$150 and costs. (F. & D. no. 30250. I. S. no. 50879.) Sample no. 23872-A.

Examination of samples of Dri-Tone showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 19, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Edward Parker and Floyd F. Hopkins, copartners trading as the Dri-Tone Co., Shenandoah, Iowa, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 4, 1932, from the State of Iowa into the State of Nebraska, and on or about September 29, 1932, from the State of Iowa into the State of Missouri, of quantities of Dri-Tone which was misbranded.

The article was labeled in part: (Drum) "Dri-Tone * * * Dri-Tone Co. Shenandoah, Iowa."

Analyses of two samples of the article by this Department showed: (1) the sample consisted essentially of dried sodium sulphate, sodium bicarbonate, charcoal, ground American wormseed, and small proportions of guaiacol and zinc phenolsulphonate; (2) the sample consisted essentially of sodium sulphate, sodium bicarbonate, small proportions of magnesium carbonate, charcoal, zinc phenolsulphonate, iron oxide, aluminum oxide, American wormseed and guaiacol.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the drum label, falsely and fraudulently represented that it was effective as a treatment for hog diseases; effective as a wormer for hogs; effective to tone up the system, regulate the bowels and stimulate the appetite; effective as a treatment, remedy, and cure for necro (enteritis, necrotic enteritis, necrobacillosis), flu (swine influenza, infectious bronchitis), hog cholera, white scours (diarrhea), bull nose (sniffles, necrotic rhinitis), thumps (spasms of the diaphragm), worms, paralysis of the hind quarters, and rickets.

On February 14, 1934, the defendants entered pleas of guilty, a fine of \$100 on each of the two counts was imposed against Charles Edward Parker, and a fine of \$25 was imposed against Floyd F. Hopkins on each of the two counts of the information. On April 24, 1934, the fine of Charles Edward Parker was reduced to \$50 on each count. Costs were assessed against both defendants.

M. L. WILSON, *Acting Secretary of Agriculture.*

22334. Misbranding of Epsom salt. U. S. v. 295 Cases and 250 Cases of Epsom Salt. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 31581, 31582. Sample nos. 60041-A, 60042-A, 60043-A.)

This case involved interstate shipments of Epsom salt which was labeled with unwarranted curative and therapeutic claims.

On November 13, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court libels praying seizure and condemnation of 545 cases of Epsom Salt, in part at Rochester, N. Y., and in part at Buffalo, N. Y., consigned by the Texaco Salt Products Co., Tulsa, Okla., alleging that the article had been shipped in interstate commerce, in part on or about September 5, 1933, and in part on or about October 25, 1933, from Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the packages, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Beneficial in rheumatic conditions, aids in the reduction of adipose tissue, relieves * * * aching feet * * * for rheumatic conditions * * * for reducing * * * for * * * aching feet."

On December 28, 1933, the McKesson Buffalo Drug Co., Inc., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned that it be relabeled under the supervision of this Department so that it comply with the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22335. Adulteration and misbranding of Digitol. U. S. v. 28 Bottles of Digitol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32003. Sample no. 68951-A.)

This case involved a shipment of Digitol which was represented to comply with the pharmacopoeial requirements for tincture of digitalis. Examination showed that it had a potency almost double that required by the United States Pharmacopoeia for tincture of digitalis.

On February 20, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-eight 1-ounce bottles of the said Digitol at Trenton, N. J., alleging that the article had been shipped in interstate commerce, in various shipments between January 18, 1934, and February 2, 1934, by Sharp & Dohme, from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Tincture Digitalis U. S. P.", and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated upon the container.

Misbranding was alleged for the reason that the following statements, appearing in the labeling, were false and misleading: (Carton and bottle) "Digitol * * * Tincture Digitalis U. S. P. Strength"; (carton, only) "Digitol * * * a uniformly potent and dependable tincture of digitalis."

On April 2, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22336. Adulteration and misbranding of fluidextract of squill. U. S. v. Three 4-Ounce Bottles and Two 1-Pound Bottles of Fluidextract Squill U. S. P. X. Default decree of forfeiture and destruction. (F. & D. no. 32017. Sample no. 58236-A.)

This case involved a shipment of fluidextract of squill represented to be of pharmacopoeial standard. Examination showed that the article had a potency of almost twice that required by the United States Pharmacopoeia.

On February 23, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 4-ounce bottles and two 1-pound bottles of fluidextract of squill at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about January 16, 1934, by the Burroughs Bros. Manufacturing Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Squill U. S. P. X.", was false and misleading.

On March 23, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22337. Adulteration and misbranding of emulsion of cod liver oil, and adulteration of syrup of hypophosphites compound. U. S. v. Moore & Co., Inc. Plea of nolo contendere. Fine, \$30. (F. & D. no. 31450. Sample nos. 8353-A, 8360-A.)

This case was based on interstate shipments of emulsion of cod liver oil and syrup of hypophosphites compound. Analyses showed that the former contained less cod liver oil than declared on the label, and that the latter contained less calcium hypophosphite than provided in the National Formulary.

On March 2, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Moore & Co., Inc., Worcester, Mass., alleging shipment by said company, from the State of Massachusetts into the State of Pennsylvania, on or about December 19, 1931, of a quantity of emulsion of cod liver oil which was adulterated and misbranded, and on or about March 29, 1932, of a quantity of syrup of hypophosphites compound which was adulterated. The articles were labeled in part: "Lees Emulsion of Pure Norwegian Cod Liver Oil * * * 33½% Cod Liver Oil, with Hypophosphites lime and soda"; "Lees Syrup Hypophosphites Compound Clear."

It was alleged in the information that the emulsion of cod liver oil was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to contain 33½ percent of cod liver oil, whereas it contained a less amount, namely, not more than 30.48 percent of cod liver oil.

Adulteration of the syrup of hypophosphites compound was alleged for the reason that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down therein, since it contained less than 35 grams of calcium hypophosphite per 1,000 cubic centimeters; whereas the National Formulary provides that each 1,000 cubic centimeters of syrup of hypophosphites compound shall contain not less than 35 grams of calcium hypophosphite, and the standard of strength, quality, and purity of the article was not declared on the container.

Misbranding of the emulsion of cod liver oil was alleged for the reason that the statement, "33½% Cod Liver Oil", borne on the carton and on the bottle label, was false and misleading, since the article contained less than 33½ percent of cod liver oil.

On March 19, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

22338. Misbranding of Kelp-A-Malt. U. S. v. 33 Bottles of Kelp-A-Malt. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31877. Sample no. 37892-A.)

This case involved an interstate shipment of Kelp-A-Malt, the labels of which bore unwarranted claims as to its effectiveness as a curative and therapeutic agent, and its value as a source of vitamins and minerals.

On January 25, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Kelp-A-Malt at Baltimore, Md., alleging that the article had been shipped in interstate commerce by the Allied Laboratories, from New York, N.Y., on or about January 22, 1934, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Prepared by The Kelpamalt Company * * * New York."

Analysis of a sample of the article by this Department showed that it contained ground vegetable material, starch, malt extract, and 14.9 percent of ash (mineral matter) including compounds of copper, manganese, iron, magnesium, calcium, potassium, silica, phosphorus, and iodine.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Abounds in rich, vital minerals and vitamins so absolutely essential to the human body", was false and misleading, since

products of this character in the dosage recommended are not adequate sources of all the vitamins and minerals. Misbranding was alleged for the further reason that the following statements on the package, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Indicated for certain deficiency diseases and glandular disturbances. * * * employed for the treatment of some forms of nervousness, simple anaemia and digestive disorders. * * * Directions Adult dosage: 2 to 3 tablets three times daily at meal time. Tablets may be chewed and swallowed with water or may be crushed and mixed in orange or tomato juice. For Children: Smaller quantities according to age."

On March 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22339. Misbranding of witch hazel. U. S. v. 213 Bottles of Witch Hazel. Default decree of forfeiture and destruction. (F. & D. no. 32036. Sample no. 58248-A.)

This case involved an interstate shipment of witch hazel water, the labels of which bore unwarranted curative and therapeutic claims.

On February 26, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 213 bottles of witch hazel at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about August 29, 1933, by the Hygienic Pharmacal Laboratories, "for Gilchrist Company" from New Haven, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: "For the relief of * * * wounds, painful swellings, lame back, piles, sore throat, * * * rheumatism, * * * etc. etc. Directions: For all external inflammation bathe freely with the Extract and if convenient apply a cloth wet with the Extract and keep it moist until relieved. For open Wounds, Ulcers, Old Sores, Sore Nipples, Sore Eyes & dilute one half with pure water and use in the same way."

On March 26, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22340. Misbranding of Acme Stock Tone. U. S. v. Twenty-two 3-Pound Packages of Acme Stock Tone. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30542. Sample no. 36823-A.)

This case involved a drug preparation, the labels of which bore unwarranted curative and therapeutic claims. It was also claimed for the article that it was effective to increase milk production in cows, growth in hogs, etc., whereas it was valueless for such purposes.

On June 1, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Acme Stock Tone at Delta, Mo., alleging that the article had been shipped in interstate commerce, on or about January 20, 1933, by the Acme Salt Co., Inc., from Hutchison, Kans., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Acme Stock Tone * * * Manufactured only by Acme Stock Salt Company, Inc., Tiffin, Ohio."

Analysis of a sample of the article by this Department showed that it consisted of a large proportion of lime carbonate, small proportions of silica, magnesium sulphate, ferrous sulphate and sulphur, and minute amounts of quassia, nux vomica, fenugreek, phosphate and whole American wormseed.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular accompanying the article were false and misleading: "Acme Stock Tone * * * will give your cows an excellent appetite, increase the digestive organs so that the greatest quantity of rich milk will be produced. This product can be economically fed to both small and large herds, in fact, it will pay a nice profit if used on a single cow. It is a valuable food assimilator. * * * which assists in causing rapid growth as well as increased production. * * * Increases the flow of milk, causes the

offspring to make a rapid growth * * *. To increase the flow of milk give $\frac{1}{2}$ pound of Acme Stock Tone once a week to each cow * * * Acme Stock Tone has met the requirements of the Dairymen as well as the smaller farmer and Feeders who realize the importance of using the essential minerals. * * * Hog may be eating much more than is necessary and showing no results on account of an undersupply of vitamins and minerals necessary to produce a rapid growth. Statistics show that a matured healthy hog will contain 35% of dried bone and that the ashes from the bone will contain 40% of Calcium and 17% Phosphorus which is supplied by Acme Stock Tone." Misbranding was alleged for the further reason that certain statements appearing in the labeling, regarding its effectiveness to protect cows against disease, as a treatment for derangement of the liver, kidneys and intestines in cattle, impaction of the rumen in cows; to build up cows from a diseased condition and keep them healthy, and for indigestion in cows; and to prevent malignant, epidemic or contagious diseases of hogs, hog cholera, worms in hogs, worms in sheep, and sickness and diseases of horses, were false and fraudulent.

On October 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22341. Misbranding of Furstenberg's Felsol. U. S. v. 72 Small Packages, et al., of Furstenberg's Felsol. Default decrees of condemnation and destruction. (F. & D. nos. 30747, 30897, 30945, 30946. Sample nos. 12718-A, 37329-A, 37923-A, 54810-A.)

These cases involved several shipments of Furstenberg's Felsol, which contained undeclared acetphenetidin, a derivative of acetanilid.

On August 11 and August 16, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 148 packages of Felsol at Washington, D.C. On August 17, 1933, a libel was filed against 76 boxes of Felsol at Seattle, Wash., and on November 18, 1933, 153 boxes of the product were libeled at Portland, Oreg. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of May 23, 1933, and August 8, 1933, by the American Felsol Co.; that certain lots had been shipped from the State of New York into the District of Columbia; that the remaining lots had been shipped from Lorain, Ohio, into the States of Washington and Oregon, respectively; and that the article was misbranded in violation of the Food and Drugs Act.

The libels charged that the article was misbranded in that the packages failed to bear a statement of the quantity or proportion of acetphenetidin, a derivative of acetanilid, contained in the article.

No claimant appeared for the property. On September 22, October 18, 1933, March 26 and May 4, 1934, judgments of condemnation were entered in the respective cases, and the court ordered the product destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22342. Misbranding of Tonic Hypophosphites Compound. U. S. v. 23 Bottles of Tonic Hypophosphites Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32074. Sample nos. 33297-A, 50653-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 4, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bottles of Tonic Hypophosphites Compound at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about January 10 and January 30, 1934, by Penslar Co., Inc., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium, potassium, iron, manganese, quinine and strychnine salts, principally hypophosphites, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative

and therapeutic effects of the article, were false and fraudulent: (Bottle) "Serviceable in the treatment of weakness, run-down conditions"; (carton) "In the treatment of weak, run-down conditions of the System."

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22343. Misbranding of Ergot-Apiol A. P. C. U. S. v. 15 Packages of Ergot-Apiol A. P. C. Default decree of condemnation and destruction. (F. & D. no. 31982. Sample no. 66241-A.)

Examination of the drug product involved in this case showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the label. The label of the article purported to state the formula, and failed to declare the presence of powdered ergot, an active ingredient.

On or about February 15, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 packages of Ergot-Apiol A. P. C. at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about December 14, 1933, by the American Pharmaceutical Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of powdered ergot and other material derived from plants including aloin, a nonvolatile oil such as apiol, and a volatile oil such as savin oil. Biological examination indicated the presence of active ergot alkaloids.

It was alleged in the libel that the article was misbranded in that the statement on the tin container, "Formula: Ergotin Boujean, Apiol, Aloin Oil Rue, Oil Savin", was false and misleading, since it contained powdered ergot, an active ingredient, not stated in the formula. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Tin container) "Usual dosage from one to two capsules three times a day. Prepared for use under physician's direction in the treatment of amenorrhea, dysmenorrhea and menstrual disorders."

On April 12, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22344. Adulteration and misbranding of whiskey. U. S. v. 215 Cartons and 49 Cartons of Old Nectar Whiskey. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32001. Sample no. 43062-A.)

This case involved a shipment of a product labeled "Whiskey", which failed to conform to the requirements of the United States Pharmacopoeia. The package failed to bear on its label a statement of the percentage by volume of alcohol in the article, and the label bore unwarranted claims regarding its medicinal properties. The article was labeled in part: "Old Nectar Whiskey. A Blend Frankfort Distilleries, Incorporated. Louisville, Kentucky Baltimore, Maryland."

On or about February 17, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 215 cartons each containing 24 pint bottles, and 49 cartons each containing 12 quart bottles of whiskey, at Baltimore, Md., alleging that the article had been shipped in interstate commerce, by the Milligan Midtown Warehouse, from New York, N. Y., into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it was sold under a name, "Whiskey", recognized in the United States Pharmacopoeia, and differed in strength, quality, and purity from the requirements of that authority, in that it contained less alcohol, less acid, and less esters than are required by the pharmacopoeia, and in that it contained caramel not permitted by the pharmacopoeial specifications.

Misbranding was alleged for the reason that the statement on the label, "Standard R of Quality", was false and misleading, since it did not meet

the official standard for medicinal whisky. Misbranding was alleged for the further reason that the packages failed to bear on the label a statement of the quantity or proportion of alcohol contained therein, since neither the carton nor principal bottle label carried a declaration of alcohol in any form, and the statement, "90 Proof", on the reverse bottle label, does not constitute a declaration of alcohol as required by law. Misbranding was alleged for the further reason that the following were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Medicinal Properties of Whiskey. An easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods, beneficial to weakly persons, more especially in the extremes of life. Sudorific power resulting from its relaxation or peripheral circulation has given spiritus frumenti high favor among the profession in both the prevention and treatment of minor infections resulting from exposure such as corysa, rhinitis, bronchitis, influenza and other nasal laryngeal, bronchial and lobar affections."

On March 3, 1934, the Frankfort Distilleries, Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that it should not be sold or disposed of until relabeled in a manner approved by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22345. Misbranding of Sweetrest Tablets and Naturade Tablets. U. S. v. 30 Packages of Sweetrest Tablets and 86 Packages of Naturade Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31978, 31979. Sample nos. 59649-A, 59650-A.)

Examination of the drug products involved in these cases showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On February 15, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 packages of Sweetrest Tablets and 86 packages of Naturade Tablets at Chicago, Ill., alleging that the articles had been shipped in interstate commerce by the Sweetrest Co., the former on or about June 5, 1933, from Cedar Rapids, Iowa, and the latter on or about December 13, 1933, from Chelsea-on-Hudson, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Sweet Rest Co., St. Louis, Mo.", "Sweetrest Company, Evanston, Ill.", or "Sweetrest Company, Cedar Rapids, Iowa."

Analyses of samples of the articles by this Department showed that the Sweetrest Tablets contained 5 grains of acetylsalicylic acid each, and that the Naturade Tablets consisted essentially of phenolphthalein, extracts from plant drugs including nux vomica, and a laxative drug and calcium sulphate.

It was alleged in the libels that the articles were misbranded in that the following statements regarding their curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Sweetrest Tablets, tin) "Sweetrest * * * Relieve Pain Sweetrest for Fever, Lumbago, Toothache, Earache, Grippe, Rheumatism. * * * Sweetrest * * * Dose: 1 to 2 tablets, repeated in an hour if necessary. Children over 5 yrs. $\frac{1}{2}$ to 1 tablet, according to age. Wherever the pain, Whatever the cause, they bring relief"; (Sweetrest Tablets, circular) "Sweetrest Relieves Pain * * * for the relief of pain * * * Rheumatism, La Grippe, Backache, * * * Special Directions for Use of 'Sweetrest' * * * Toothache, Earache, or any condition where pain is severe—Dose: 1 to 2 tablets, repeat in an hour if necessary. Sweetrest—For Miserable Days * * * Grippe, Influenza, Fever—Dose: 1 tablet every 2 or 3 hours until relieved. Sweetrest—For Sleepless Nights Rheumatism, Lumbago, Sciatica, Neuritis, Joint Pains—Dose: 1 to 2 tablets 3 or 4 times daily. Sweetrest—is dependable Periodic Pains—Dose: 1 to 2 tablets every 3 or 4 hours as required. Sweetrest for Children"; (Naturade Tablets, tin) "Brings a Feeling of Youth * * * Act on Stomach, Liver, Kidney and Bowels Useful and beneficial for * * * elimination and in the treatment of liver complaints, dizziness, Malaria, foul breath, indigestion, sick headache, rheumatism and skin diseases. * * * Dose—One-half to one tablet on retiring. Children, One-fourth to one-half tablet. * * * 'Naturade For Health'"; (Naturade Tablets, circular) "Brings a Feeling of Youth * * * acts on the Stomach, Liver, Kidney and Bowels. Useful

and beneficial for * * * elimination and in the treatment of Liver Complaints, Dizziness, Malaria, Foul Breath, Indigestion, Sick Headache, Rheumatism, Blood and Skin Diseases * * * 'Naturade' for Health * * * Special Directions for use of 'Naturade' Dose—For Adults—One 'Naturade' at night. Increase or decrease the dose as the occasion may require. Children—One-fourth to one-half tablet. * * * For Health."

On April 6, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22346. Misbranding of Granny's Cough Syrup. U. S. v. 200 Bottles and 212 Bottles of Granny's Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31883, 32060, Sample nos. 51565-A, 67052-A.)

Examination of a cough syrup labeled, "Granny's Compound Syrup of Flaxseed, Rock Candy and Licorice, Mentholated", showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling, that it was not of the composition claimed, and that it contained chloroform which was not declared correctly and plainly.

On January 30, and March 1, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 412 bottles of Granny's Cough Syrup at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, in various shipments, on or about February 9, 1931, October 13, 1931, and November 2, 1932, by the Hennafoam Corporation, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including a trace of alkaloid, potassium bromide (1.4 grams per 100 milliliters), an ammonium compound, a chloride, a small proportion of a sulphate, chloroform (0.36 minim per fluid ounce), menthol, gum sugars, and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton label, "Compound Syrup of Flaxseed, Rock Candy and Licorice Mentholated", was false and misleading, in view of its actual composition. Misbranding was alleged for the further reason that the package failed to bear upon its label a statement of the quantity or proportion of chloroform contained in the article, since the declaration on the bottle label was inconspicuous and incorrect, and the declaration on the carton was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle) "Directions For children, one teaspoonful every two or three hours. For adults, one dessert spoonful every two or three hours"; (carton) "For Coughs, * * * and Bronchitis. * * * Directions: For Children one teaspoonful every 2 or 3 hours. * * * Cough Remedy * * * a sedative in affections of the throat, relieving recent and obstinate coughs by promoting expectoration."

On March 23, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22347. Adulteration and misbranding of Sirop D'Anis Gauvin Compound. U. S. v. 300 Bottles, et al., of Sirop D'Anis Gauvin Compound. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31740, 31811, 31812. Sample nos. 58041-A, 58076-A, 58077-A.)

These cases involved shipments of a drug preparation labeled to convey the impression that its chief physiological effects were derived from oil of anise, but which depended chiefly for its effects on the morphine content. The labels were further objectionable in that they contained unwarranted curative and therapeutic claims; the designs and directions conveyed the idea that it could be safely used for babies, whereas its morphine content rendered it unsafe for such use; the declaration of alcohol was inconspicuous; and the declaration of morphine was incorrect in one lot, and inconspicuous in the remainder.

On December 19, 1933, and January 5, 1934, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agricul-

ture, filed in the district court libels praying seizure and condemnation of 641 bottles of Sirop D'Anis Gauvin Compound at Providence, R. I., alleging that the article had been shipped in interstate commerce, in part on or about October 14, 1933, and in part on or about December 1, 1933, by J. A. E. Gauvin, from Lowell, Mass., and charging adulteration and misbranding with respect to one lot, and misbranding with respect to the remainder, in violation of the Food and Drugs Act as amended.

Analyses of samples of the article by this Department showed that it consisted essentially of a morphine compound (one lot containing 0.205 to 0.219 gram of morphine acetate per fluid ounce), alcohol, and water, flavored with oil of anise.

It was alleged in the libel filed with respect to one of the lots that the article was adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Each Fluid Ounce Contains $\frac{1}{4}$ Grain of Acetate of Morphine."

Misbranding of the said lot was alleged for the reason that the statement, "Acetate Morphine $\frac{1}{4}$ Grain Per Ounce", appearing on the bottle and carton labels and in the circular, was false and misleading. Misbranding was alleged with respect to all lots for the reason that the statements on the labels, "Sirop D'Anis Gauvin Compound", "Sirop D'Anis Gauvin Compose", and "Gauvin's Aniseed Syrup", were false and misleading; and for the further reason that the background design of babies on the wrapper label, was false and misleading, since it created the impression that the article could be safely used for babies, whereas it could not be safely used for babies. Misbranding was alleged for the further reason that two of the lots failed to bear a statement of the quantity or proportion of morphine contained in the article, since the statement was inconspicuous; and all lots failed to bear a statement of the quantity or proportion of alcohol, since the statement of alcohol was inconspicuous. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle, wrapper, and circular) "Sirop D'Anis Gauvin Compound * * * Recommended by the Maker and many who have used it as giving relief in cases of restlessness, by alleviating the accompanying pains. It thus induces a soothing effect and restfulness"; (bottle and circular) "Directions: To an infant under one month old. 10 to 15 drops; every month more, 5 to 8 drops more. One year old 1 to 2-teaspoonfuls."

On January 11 and January 26, 1934, no-claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22348. Misbranding of Bostwick's White Pine Cough Syrup. U. S. v. 63 Bottles of Bostwick's White Pine Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32057. Sample no. 49142-A.)

This case involved a drug product labeled to convey the impression that it was derived from white pine. Analysis showed that it contained drugs derived from sources other than white pine, also that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The alcohol and chloroform present were not declared on the retail carton.

On March 1, 1934, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 bottles of Bostwick's White Pine Cough Syrup at Greensboro, N. C., alleging that the article had been shipped in interstate commerce on or about December 29, 1933, by Bostwick Bros., from Atlanta, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, including an alkaloid-bearing drug and wild cherry, chloroform, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statement on the label, "White Pine Cough Syrup", was false and misleading, since it contained drugs derived from sources other than white pine. Misbranding was alleged for the further reason that the package failed to bear on the retail carton statements of the quantity or proportion of alcohol and chloroform

contained in the article. Misbranding was alleged for the further reason that the following were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Bottle and carton) "For Coughs * * * Hoarseness, Sore Throat and all diseases of the Throat and Lungs"; (bottle label only) "Dose: Adults, 1 teaspoonful every 2 or 3 hrs. as required. Children $\frac{1}{4}$ to $\frac{1}{2}$ teaspoonful according to age."

On April 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22349. Misbranding of Crisp's (B. T.) Black Tongue Remedy, Crisp's Sta-
well Condition Pills, and Crisp's Hot Shot Nerve Sedative. U. S.
v. 3 Packages of Crisp's (B. T.) Black Tongue Remedy, et al.
Default decrees of condemnation, forfeiture, and destruction.
(F. & D. nos. 31583, 31584, 31585. Sample nos. 14112-A, 14113-A, 14114-A.)**

Examination of the drug preparations involved in these cases showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On November 21, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3 packages of Crisp's Black Tongue Remedy, 3 packages of Crisp's Sta-Well Condition Pills, and 11 packages of Crisp's Hot Shot Nerve Sedative at San Antonio, Tex., alleging that the articles had been shipped in interstate commerce, in part on or about May 30, 1933, and in part on or about June 6, 1933, by the S. A. Crisp Canine Co., from Blacksburg, S.C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles showed that the Black Tongue Remedy consisted essentially of magnesium hydroxide (5.1 percent), calcium carbonate (2.9 percent), charcoal (0.06 percent), and water; that the Sta-Well Condition Pills consisted essentially of powdered iron, arsenic compound, and material derived from plant drugs including nux vomica and licorice; and that the Hot Shot Nerve Sedative consisted essentially of turpentine oil, tar oil, mineral oil, magnesium hydroxide (1 percent), and small proportions of phenols, fatty acids, gums, and rosin.

It was alleged in the libel that the articles were misbranded in that certain statements appearing on the bottle and carton labels and in circulars shipped with the articles falsely and fraudulently represented that the Black Tongue Remedy was effective as a treatment, remedy, and cure for black tongue in dogs, and that the Hot Shot was effective as a treatment, remedy, and cure for running fits in dogs.

On September 29, 1933, the case having been called and the claimant, the S. A. Crisp Canine Co., having failed to appear or make any defense, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22350. Misbranding of Crisp's (B. T.) Black Tongue Remedy and Crisp's
Hot Shot. U. S. v. 2 Packages of Crisp's Black Tongue Remedy
and 26 Packages of Crisp's Hot Shot. Default decree of condem-
nation, forfeiture, and destruction. (F. & D. no. 23799. I.S. nos.
01566, 01567. S. no. 1874.)**

Examination of the drug preparations involved in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 12, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 packages of Crisp's Black Tongue Remedy and 26 packages of Crisp's Hot Shot at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce, on or about January 9, 1929, by the S. A. Crisp Canine Co., from Blacksburg, S. C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Hot Shot consisted essentially of turpentine oil, petroleum oil, wood tar compounds, small proportions of magnesium hydroxide and a gum, and water; that the capsule accompanying the package contained a small proportion of santolin dissolved in liquid petrolatum; and that the Black Tongue Remedy consisted

of a package containing a liquid and gray capsules and black capsules. The liquid consisted essentially of magnesium hydroxide (4.3 percent), calcium carbonate (1.3 percent), charcoal (0.1 percent), and water (approximately 94.3 percent). The gray capsules contained sodium bicarbonate, calomel, charcoal, and starch, and the black capsules contained sodium bicarbonate, calomel, and charcoal.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false and fraudulent: (Black Tongue Remedy, bottle and carton) "Treatment for One Dog Only * * * Read carefully directions prescribed for Black Tongue in Circular enclosed in this package before beginning treatment"; (carton) "A Dog Worth keeping is worth keeping well. Black Tongue being a deadly disease, we wish to emphasize the fact that treatment should begin with first symptoms of the disease for best results. If this is done and instructions are carried out in regards to feeding and watering as per circular enclosed you will be rewarded with pleasing results"; (circular) "Black-Tongue (Sore Mouth) Remedy * * * Symptoms of Black-Tongue (Sore Mouth) * * * We absolutely recommend Crisp's B. T. to cure Black Tongue, * * * Directions for Treating with Crisp's B. T. The Black-Tongue (Sore Mouth) Remedy"; (Sta-Well Condition Pills, carton) "Protect the Life of Your Dog by Using Crisp's Remedies A Dog Worth Keeping is Worth Keeping Well. * * * These Pills act as a general Conditioner. Tones up the system, Restores the appetite, Puts new life in dog. * * * Sta-Well Condition Pills"; (Hot Shot Nerve Sedative, bottle, carton, and circular) "Nerve Sedative"; (circular) "The S. A. Crisp Canine Co., has experimented with Crisp's Hot Shot and it has proven effective as a nerve sedative."

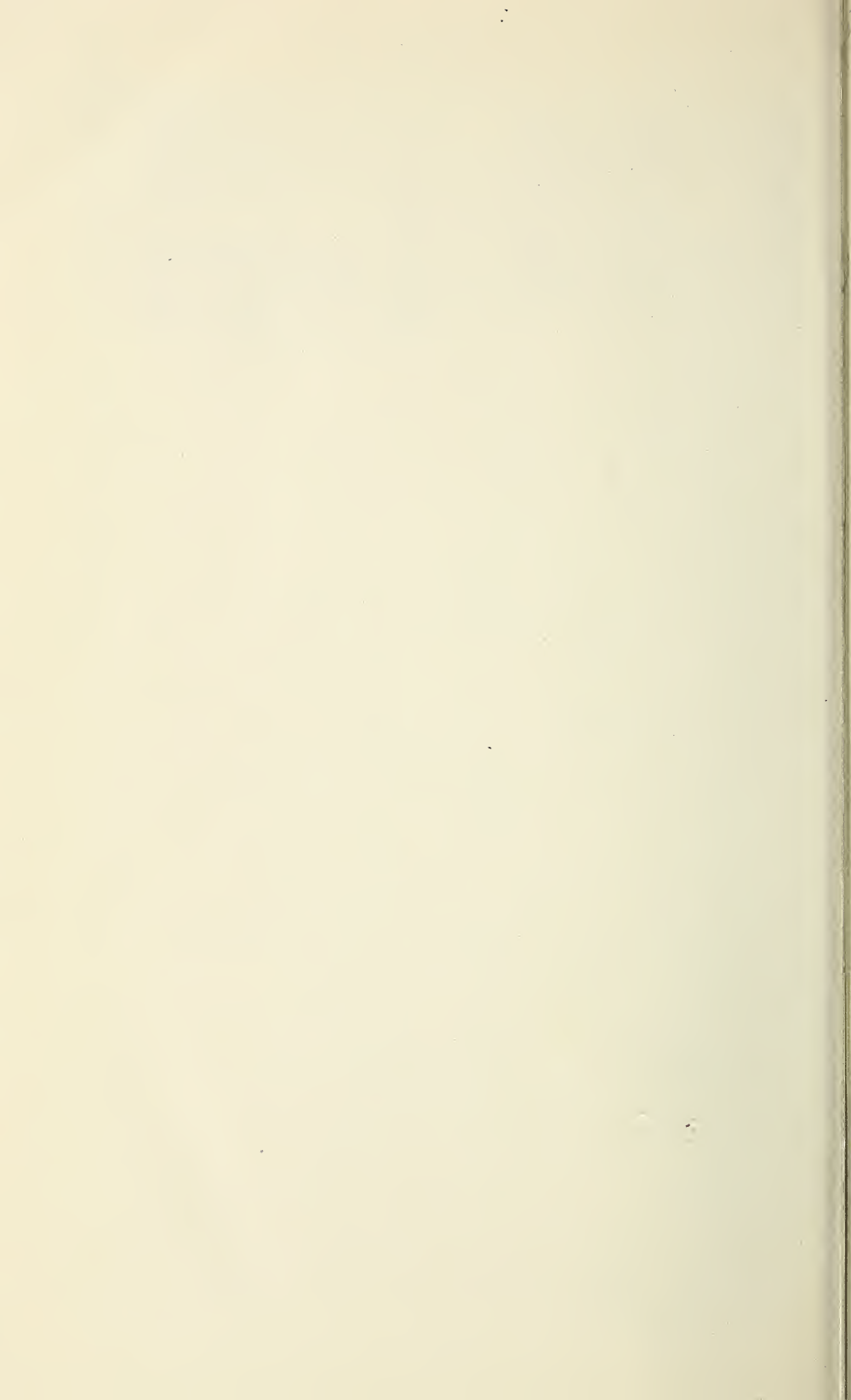
On January 5, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION 1935

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22351-22375

[Approved by the Acting Secretary of Agriculture, Washington, D. C., Nov. 17, 1934]

22351. Adulteration and misbranding of Dunlop Pyorrhea Paste and Dunlop's Ethyl Borate. U. S. v. Julius F. Emme (Emme Dental Specialty Co.). Plea of guilty. Fine, \$30. (F. & D. no. 27534. I. S. nos. 28789, 28790.)

Examination of the drug preparations involved in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analyses showed that the articles contained less alcohol than declared and that the alleged "ethyl borate" was not ethyl borate. Tests of the alleged ethyl borate showed that it did not possess the antiseptic properties claimed.

On April 3, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Julius F. Emme, trading with others as the Emme Dental Specialty Co., St. Paul, Minn., alleging shipment by said defendant on or about May 19, 1931, from the State of Minnesota into the State of Maryland, of quantities of Dunlop Pyorrhea Paste and Dunlop's Ethyl Borate which were adulterated and misbranded.

Analyses of samples of the articles by this Department showed that the pyorrhea paste was an opaque semifluid consisting essentially of boric acid, glycerin, alcohol, and oil of peppermint; and that the ethyl borate consisted essentially of an aqueous solution of boric acid, with odor of oil of peppermint, and a small amount of alcohol. Tests of the ethyl borate showed that it was not an antiseptic when used as directed.

It was alleged in the information that the pyorrhea paste was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain 20 percent of alcohol, whereas it contained not more than 4.17 percent of alcohol.

Adulteration of the ethyl borate was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be an antiseptic when used as directed, it was represented to be ethyl borate, and it was represented to contain about 7 percent of alcohol; whereas it was not an antiseptic when used as directed, it was not ethyl borate, and it contained less than 7 percent of alcohol, namely, not more than 0.55 percent of alcohol.

Misbranding of both products was alleged for the reason that the statement, "20% alcohol", with respect to the Dunlop Pyorrhea Paste, and the statements, "not over 7% alcohol", "a mild but powerful antiseptic", "ethyl borate", and "antiseptic mouth wash", with respect to the ethyl borate, were false and misleading. Misbranding was alleged with respect to both products for the further reason that they contained alcohol and the labels failed to bear a statement of the quantity or proportion of alcohol contained therein.

Misbranding of the ethyl borate was alleged for the further reason that it was an aqueous solution of boric acid and was offered for sale under the name of another article.

Misbranding of the pyorrhea paste was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic

effects of the article falsely and fraudulently represented that it was effective as a treatment of pyorrhea and mouth diseases; effective to insure healthy teeth; effective as a preventive of infection; effective to give quick relief in all cases to gum and tissue diseases and to greatly retard the advancement of these infections; effective as a treatment, remedy, and cure for trench mouth or Vincent's disease; and effective to neutralize and discharge all poisonous matter that accompanies trench mouth or Vincent's disease.

Misbranding of the ethyl borate was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment for pyorrhea and pus diseases; effective as a treatment for trench mouth, canker sores, and all other mouth and gum diseases; effective as a treatment for purulent alveolitis, bleeding and spongy gums; effective to keep the tissues of the mouth and throat in a healthy condition; effective as a treatment for sore throat and tonsillitis, cuts and wounds; and effective to keep the gums firm.

On April 7, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

22352. Misbranding of Or-Aid. U. S. v. Or-San Co. Plea of guilty. Fine, \$25. (F. & D. no. 28053. I. S. no. 44220.)

This case involved a shipment of Or-Aid, a product represented to possess germicidal properties. Bactericidal tests showed that it would not destroy germs commonly encountered in the conditions against which the product was directed and intended; it was not a germicide under conditions of practical use, and infecting bacteria could not be killed by Or-Aid, when used as directed. Analysis showed that the article did not contain certain ingredients claimed.

On October 23, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Or-San Co., a corporation, Minneapolis, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 22, 1931, from the State of Minnesota into the State of Wisconsin, of a quantity of Or-Aid which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc chloride, zinc sulphate, boric acid, a small proportion of sodium compounds, water, and oil of peppermint.

It was alleged in the information that the article was misbranded in that the statements, "Destroys Germs", borne on the carton, and the statements, "Destroys Germs", "It is a Germicide * * * since bacteria can be killed by the use of Or-Aid", "The formula contains * * * Emetine Hydrochloride * * * and germicidal oils", contained in the circular, were false and misleading, since the article was not a germicide, bacteria could not be killed by its use, and it contained no emetine hydrochloride and no germicidal oils.

On October 23, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22353. Misbranding of Dr. Livingston's Regenerator, Dr. Livingston's Dyspepsine, Search Warrant Liniment, Dr. Livingston's Re-Gem, Dr. Livingston's Root and Herb Tea, and Dr. Livingston's Golden Catarrh Balm. U. S. v. John W. Livingston (The Livingston Medicine Co., Search Warrant Liniment Co.). Plea of guilty. Sentence suspended and defendant placed on probation for two years. (F. & D. nos. 26690, 28079. I. S. nos. 14485, 27109, 27527, 27528, 27532 to 27536, incl.)

Examination of the drug preparations on which these cases were based showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Among the preparations was a shipment of Dr. Livingston's Regenerator, the labeling of which contained false and misleading claims that the article was of vegetable composition, that it conformed to the Food and Drugs Act, and that it could be taken freely by young and old without fear of injurious effects. Two shipments of Re-Gem, formerly Regenerator, also covered by the case, were labeled with false and misleading claims. One of the products, Search Warrant Liniment, contained less alcohol than declared on the label.

On November 25, 1933, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the district court two informations against John W. Livingston, trading as the Livingston Medicine Co., and the Search Warrant Liniment Co., Atlanta, Ga., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, between the dates of December 23, 1930 and February 28, 1931, from the State of Georgia into the State of Florida, of quantities of Dr. Livingston's Regenerator, Search Warrant Liniment, Dr. Livingston's Re-Gem, Dr. Livingston's Root & Herb Tea, Dr. Livingston's Dyspepsine, and Dr. Livingston's Golden Catarrh Balm, and on or about December 31, 1930, from the State of Georgia into the State of Texas, of a quantity of Dr. Livingston's Dyspepsine, which products were misbranded.

Analyses of samples of the articles by this Department showed that Dr. Livingston's Regenerator consisted essentially of a brown liquid containing magnesium sulphate, flavoring oils, water, plant extractives including emodin, and not more than 11.9 percent of alcohol by volume; that the Dr. Livingston's Re-Gem consisted essentially of a brown solution containing Epsom salt, water, plant extractives including emodin, a small amount of alkaloid, and approximately 11 percent of alcohol by volume; that the Search Warrant Liniment consisted essentially of a dark liquid containing oleoresin, capsicum, camphor, small amounts of other volatile oils, ammonia, water, and not more than 47.5 percent of alcohol by volume; that one shipment of the Dr. Livingston's Dyspepsine consisted essentially of a brown powder containing apparently calcium and magnesium carbonates, sodium bicarbonate, plant extractive matter, an emodin-bearing drug, starch, and a small amount of phosphate; that the second shipment of Dr. Livingston's Dyspepsine consisted essentially of powdered rhubarb, sodium bicarbonate, and magnesium oxide, flavored with methyl salicylate; that the Dr. Livingston's Golden Catarrh Balm consisted essentially of volatile drugs including phenol, camphor, menthol, and eucalyptol, incorporated in a mixture of petrolatum and paraffin; that the Dr. Livingston's Root and Herb Tea consisted essentially of ground plant drugs including uva ursi, senna, frangula, coriander, fennel, mullein, and guaiac.

It was alleged in the information that the Regenerator was misbranded in that the statements, "Guaranteed to conform with all Pure Food Laws", "Purely Vegetable", "Composed of Roots, Herbs, Barks and Flowers", borne on the carton, and the statements, "Guaranteed to conform with all Pure Food Laws", "Purely Vegetable", and "Can be taken freely by young and old without fear of injurious effects", borne on the bottle label, were false and misleading, since the article did not conform to the Food and Drugs Act of 1906, or with the amendment of August 23, 1912; it was not purely vegetable; was not composed wholly of herbs, roots, barks, and flowers; and could not be taken freely by young and old without fear of injurious effects. The information further alleged that the statements, "Guaranteed to conform with all Pure Food Laws", "Purely Vegetable", "Composed of Roots, Herbs, Barks and Flowers", and "A Strictly vegetable compound", borne on the carton or bottle labels of one lot of Re-Gem, and the statement, "A Strictly Vegetable Compound", borne on the carton of the remaining lot of Re-Gem, were false and misleading.

Misbranding of the two lots of Search Warrant Liniment was alleged for the reason that the statements, "Alcoholic Content 70%", and "Alcoholic Contents 70%" borne on the bottle labels, were false and misleading, since the article contained less than 70 percent of alcohol, the two samples examined containing not more than 47.0 percent, and 47.5 percent, respectively, of alcohol; and for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

Misbranding was alleged with respect to all products for the reason that certain statements, designs, and devices, regarding the curative and therapeutic effects of the articles, borne on the labels, were false and fraudulent in the following respects: The bottle labels, cartons, and circulars shipped with the Regenerator and Re-Gem falsely and fraudulently represented that the articles were effective as a Regenerator; effective as a tonic and blood purifier; effective to purify the blood and bring an end to rheumatism and to drive impurities from the system; effective as a substitute for stimulants and to bring vim and life to the body; effective to repair waste tissues and to build up the system; effective as a treatment for liver complaints, biliousness, weakness from overwork and other causes; effective to strengthen nerves, restore health and to regulate the liver; effective as a treatment, remedy, and cure for the nerves and general debility, weak kidneys, lame back, liver complaint; effec-

tive as a treatment, remedy, and cure for rheumatism and all impurities of the blood of long standing; effective as tonic and strength builder; effective as a treatment for troubles peculiar to women; effective as a treatment for nursing mothers; effective as a liver and kidney medicine; effective to restore the freshness and brilliancy of youth and to paint the bloom of a rose on the face and to bring new health and life to the body and to cause a purified and enriched supply of blood; effective to banish spots and eruptions; effective to cause sallowness to disappear and restore the long lost look of youth; effective to retard old age; effective as a treatment, remedy, and cure for kidney and bladder trouble and all diseases arising from impure blood; effective as a treatment, remedy, and cure for uric acid poison, gravel, inflammation of the bladder, dropsy or swelling of the feet and limbs, loss of flesh, liver complaint, malaria, biliousness, grippe and female weakness; effective to strengthen and tone up the system, obviate the effect of debility and restore the blood to a healthy condition; effective to stimulate and create healthy action throughout the system; effective to stimulate the activity of the cells and tissues of the vital organs, and to give vitality and efficiency to guard against disease by eliminating waste through the liver and kidneys; effective as a vegetable medicinal agent to supply the necessary sustenance to the system; effective to promote the growth, development, and reproduction of bone and muscle tissues, and to keep these tissues in a healthy condition and to promote the general welfare of the body; effective as a health regenerator and to give vigorous health, strong vitality, restored appetite, restful nights, clear complexion, regained strength, rounded physical form, pep and vim, and supply the necessary nourishment to the blood; effective to throw off accumulated poisons, impurities, and waste and to cause a healthy condition throughout the system; effective as a treatment, remedy, and cure for Brights' disease, kidney colic, and dropsy; effective as a treatment for boils, abscesses, eczema, skin diseases, and malaria; effective to enrich, purify, and build up strong, healthy blood; effective as a treatment, remedy, and cure for disease; effective as a treatment, remedy, and cure for headache, sour stomach, constipation, and lack of energy; effective to assist nature in restoring the liver to normal condition and to check future liver troubles; effective as a treatment for the nerves; and effective as a treatment, remedy, and cure for physical fatigue, insomnia, nervousness and many other contrary ills; effective as a valuable treatment for female troubles; effective to soothe and strengthen the entire system and to relieve tired distressed feeling and bring new hope and health to afflicted women; effective to soothe and feed the delicate tissues, purify the blood, and restore a healthy vigorous condition where disease has existed; and effective as a treatment for shooting pains and sore joints; effective as a treatment for stagnant liver, pimples, boils, ulcers and skin blemishes, tired feeling, wakeful nights, lack of energy and pep; effective as a treatment for indigestion and the after-effects of 'flu'; effective to correct a multitude of unsuspected ills; effective as a relief for high blood pressure, nervous breakdown, sleeplessness, staggering spells, bilious headache, loss of appetite, dizziness and sluggish liver; effective to regenerate the entire system and to nourish and feed the tissues and cells that constitute the human body and to drive impurities from the body and to give the life stream new strength and vitality to combat disease; effective to give health and happiness; effective to give pep, energy, vitality, and all the life that well and normal people have; effective as a treatment for influenza; and effective as a treatment for nervous indigestion.

The bottle labels and cartons of the Dyspepsine falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for acute indigestion; effective as a speedy and permanent relief for indigestion, dyspepsia, and colic; and effective as a treatment for heart trouble.

The bottle labels, cartons, and circulars of the Search Warrant Liniment falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for all pain; effective as a relief of pain; and effective as a treatment, remedy, and cure for aches of all kinds not the direct result of some internal disease; effective as a treatment, remedy, and cure for aches of all kinds not the direct result of some internal disease; effective as a treatment, remedy, and cure for all forms of backache not resulting from kidney or other organic diseases; effective as a treatment, remedy, and cure for lumbago, sciatica, and rheumatism not resulting from organic diseases; effective as a treatment, remedy, and cure for stiff joints, neuralgia, toothache, chilblains, sore and tender feet, bronchitis, asthma, pleurisy, and neuritis.

The box label of the Root and Herb Tea falsely and fraudulently represented that the article was effective to repair waste tissue, build up the system and purify the blood; effective as a relief for sleeplessness and weakness resulting from overwork and other causes; effective to restore health and strengthen the nerves; effective as a great blood purifier and as a remedy for nervous and general debility, weak kidneys, lame back, liver complaint, constipation, rheumatism and gout, and for all impurities of the blood of long standing; effective as a treatment for the complexion; effective to restore the freshness and brilliancy of youth, and to paint the bloom of a rose in the face which health alone will bring.

The jar labels of the Catarrh Balm falsely and fraudulently represented that the article was effective as a catarrh balm; effective as a great healing salve; effective as a relief for catarrh, hay fever, deafness, and all catarrhal diseases; effective as a cure for catarrh; effective as a remedy for piles and sores; and effective to remove all pimples.

On March 14, 1934, the two informations having been consolidated, the defendant was arraigned and entered a plea of guilty. On May 26, 1934, the court ordered that sentence be suspended and that the defendant be placed on probation for a period of 2 years.

M. L. WILSON, *Acting Secretary of Agriculture.*

22354. Alleged adulteration and misbranding of ether. U. S. v. 11 Cans of Ether. Tried to the court. Judgment for claimant. Libel dismissed. (F. & D. no. 29192. Sample no. 7769-A.)

Examination of 10 cans of ether from the shipment involved in this case showed that the ether in one of the cans contained peroxide, a decomposition product.

On November 8, 1932, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cans of ether at Macon, Ga., alleging that the article had been shipped in interstate commerce, on or about May 21, 1932, by Merck & Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged in that the statement on the label, "Ether U. S. P.", was false and misleading and deceived and misled the purchaser.

On April 10, 1934, Merck & Co., Inc., entered an appearance and filed a claim and answer. On June 28, 1934, the case came on for trial before the court, a jury having been waived. After hearing the evidence, the court found that the Government had failed to carry the burden of proof, and ordered that the product be delivered to the claimant and that the libel be dismissed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22355. Adulteration and misbranding of Jopp's Salakine Tablets. U. S. v. Arthur J. Jopp (Jopp Pharmacal Co.). Plea of guilty. Fine, \$25. (F. & D. no. 29394. I. S. no. 42851.)

This case was based on a shipment of drug tablets which contained less acetanilid than declared on the label.

On February 14, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur J. Jopp, trading as the Jopp Pharmacal Co., Buffalo, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 16, 1931, from the State of New York into the State of Pennsylvania, of a quantity of Jopp's Salakine Tablets which were adulterated and misbranded. The article was labeled in part: "Jopp's Salakine Tablets * * * a combination containing 100.135 grains Acetphenitidin U. S. P. and 175.200 grains Acetanilide in each avoirdupois ounce. * * * Manufactured by Jopp's Drug Co., Inc., Buffalo, N. Y."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each avoirdupois ounce of the article was represented

to contain 175.200 grains of acetanilid, whereas each avoirdupois ounce contained less acetanilid than represented, namely, not more than 68.293 grains.

Misbranding was alleged for the reason that the statement, "Salakine Tablets * * * containing 100.135 grains Acetphenitidin U.S.P. and 175.200 grains Acetanilide in each avoirdupois ounce", borne on the bottle label, was false and misleading, since the article contained less than 175.2 grains of acetanilid in each avoirdupois ounce.

On March 19, 1934, the defendant entered a plea of guilty, and on April 9, 1934, was sentenced to pay a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22356. Adulteration and misbranding of Dunlop Pyorrhea Paste. U. S. v. Julius F. Emme (Dunlop Pyorrhea Machine Manufacturing Co.). Plea of guilty. Fine, \$15. (F. & D. no. 29410. I. S. no. 44029.)

On April 3, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Julius F. Emme, trading with others as the Dunlop Pyorrhea Machine Manufacturing Co., St. Paul, Minn., alleging shipment by said defendant on or about September 18, 1931, from the State of Minnesota into the State of Illinois, of a quantity of Dunlop Pyorrhea Paste which was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid, glycerin, and alcohol (by volume 5.12 percent) flavored with peppermint oil.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to contain 20 percent of alcohol, whereas it contained not more than 5.12 percent of alcohol.

Misbranding was alleged for the reason that the statement, "20% Alcohol", borne on the cartons and tubes, was false and misleading. Misbranding was alleged for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects, borne on the cartons and tubes and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment for pyorrhea and mouth diseases; effective as a treatment for trench mouth; effective as of great advantage in all cases of infection; effective as a treatment for all impoverished or diseased tissue; effective to insure healthy teeth; effective to give quick relief in all cases of gum and tissue diseases; effective to greatly retard the advancement of these infections; effective as a remedy for trench mouth or Vincent's disease; and effective to neutralize discharge of all poisonous matter in trench mouth or Vincent's disease.

On April 7, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$15.

M. L. WILSON, *Acting Secretary of Agriculture.*

22357. Misbranding of Corax Tablets. U. S. v. 67 Dozen Packages of Corax Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30027. Sample no. 22692-A.)

This case involved drug tablets that contained acetanilid and that were not labeled to show the quantity or proportion of the said acetanilid.

On March 30, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 dozen packages of Corax Tablets at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about October 29, 1932, by McKesson & Robbins, Inc., from Bridgeport, Conn., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that the tablets contained 0.96 grain of acetanilid each, camphor, a bromide of a cinchona alkaloid, and an extract from a laxative plant drug.

It was alleged in the libel that the article was misbranded in that the packages failed to bear on the label a statement of the quantity or proportion of acetanilid contained in the article.

On May 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22358. Misbranding of Uleicur and Ulticur. U. S. v. The Uleicur Co., Inc. Plea of guilty. Fine, \$300. (F. & D. no. 30173. I. S. nos. 25153, 26328. Sample nos. 2026-A, 3251-A, 6734-A.)

Examination of the drug products involved in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On January 10, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uleicur Co., Inc., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about January 27, 1931, February 7, 1931, and February 6, 1932, from the State of Illinois into the States of Iowa, Indiana, and Missouri, of quantities of Uleicur which was misbranded; also shipment by said company under the name of the Ulticur Co., on March 29, 1932, from the State of Illinois into the States of Colorado and Indiana, of quantities of Ulticur which was misbranded.

The article consisted of a liquid and a powder. Analyses by this Department of samples of two of the shipments of Uleicur showed that the liquid consisted essentially of an extract of plant drugs including gentian, alcohol, glycerin, and water; one of the samples also contained sugar. Analyses of the liquid in the remaining shipment of Uleicur and the two shipments of Ulticur showed that they were essentially of the same composition, consisting of extract of plant drugs including a bitter drug, glycerin, alcohol, sugar, a small amount of nitric acid, and water. The powder consisted of bismuth subnitrate.

It was alleged in the information that two of the shipments of Uleicur were misbranded in that certain statements, designs, and devices appearing on the bottle labels, boxes, cartons, and in a booklet and circular shipped with the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for ulcers of the stomach, acidosis, indigestion, gastritis, and general stomach disorders; effective as an aid to digestion; effective to clean out all poisons from the system; effective to increase weight; effective to increase strength; effective as a treatment, remedy, and cure for ulcers of the duodenum; effective as a treatment, remedy, and cure for acidity and all stomach troubles; effective as a body builder; effective as a treatment, remedy, and cure for gastric ulcer; effective as a treatment for pain, tenderness, vomiting, indigestion, dyspepsia, and stomach pains due to ulcerated stomach; effective as a treatment, remedy, and cure for upset stomach from alcoholic beverages, sour stomach with generally prevalent bad breath, gas disturbances, belching, bloating, disturbed sleep and rest, fullness and pain in the back just under the shoulder blades; effective to heal ulcers of the stomach; effective as a treatment for hemorrhage and bleeding of the ulcer and surrounding tissues; effective as a relief for stomach and duodenal ulcers; effective as a treatment, remedy, and cure for stomach ulcers in far advanced stage; effective to bring relief in many cases of ulcer in an aggravated state; effective to bring relief after surgical operations had failed to stop the progress of ulcers; effective as an ideal remedy for ulcers and other stomach disorders; effective as a God-send to humanity suffering from ulcers; effective to save life; effective to enable sufferers from ulcers of the stomach to eat whatever they like; effective as a treatment for hemorrhage caused by ulcer; and effective as a treatment for acidity growing out of sinus trouble. Misbranding of the remaining lot of Uleicur was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for ulcers of the stomach, acidosis, indigestion, gastritis, and general stomach disorders; effective as an aid to digestion; effective as a relief for bloated, gaseous, overstuffed, and distressed feeling from over-indulgence in food or beverages, acute indigestion, and other temporary disorders; effective as a treatment, remedy, and cure for gastric ulcer; effective as a treatment, remedy, and cure for pain and tenderness over the upper region of the stomach (just under the lower ribs), severe and shooting pains through the back and to the sides, cramps, doubling up, tearing or knifelike pains, inflamed condition of the abdominal lining around the ulcer, vomiting and passing by the bowel of blood; effective as a treatment for prevalent bad breath, belching, bloating, loss of appetite, nervousness, irritability, lowering of vitality, headaches and disturbed sleep and rest; effective as a treatment for gastric disturbances, general weakness, anemia, loss of weight, and tenderness on pressure over the stomach; effective as a treatment, remedy,

and cure for duodenal ulcer; effective as a treatment for symptoms of duodenal ulcer, such as slight dyspeptic disturbances, perforation, intense pain during vomiting in the upper part of the abdomen with rigidity of its walls, faintness, rapid wiry pulse, pinched and anxious expression, pain in the back and shoulders, distended abdomen, hunger pain, tenderness in the right abdominal region and repeated attacks of bloody discharges from the bowels, sometimes accompanied by bloody vomit; effective to heal ulcers of the stomach; effective as a preventive of peritonitis resulting from hemorrhages due to ulcers; effective as a treatment for various disorders of the stomach; effective as a preventive of infection; effective as a treatment, remedy, and cure for other stomach troubles, such as dyspepsia, gaseous disturbances, indigestion and upset stomach from alcoholic beverages; effective as a treatment for other stomach troubles caused by faulty diet or hyperacidity; effective as a treatment for gastritis, acute gastritis, chronic gastritis, or catarrh of the stomach, called by many acute indigestion or dyspepsia; effective to heal and soothe the raw and sensitive surface and to bring relief within a short period of time; effective to overcome the excess acid condition and to promote the proper activity of the gastric glands; effective to afford certainty of comfort; effective to rid the body of ulcers and other stomach ailments and troubles; effective to increase weight and strength; effective to bring relief in many cases of ulcers in an aggravated state; effective as a permanent relief for ulcers; effective as a God-send to humanity suffering from ulcers; effective to save life; effective as a cure for ulcers of the stomach after operations had failed; effective to enable sufferers from ulcers to eat whatever they like; effective as a complete cure for ulcers; effective as a treatment for acidity growing out of sinus trouble; and effective as a treatment for hemorrhages caused by ulcers.

Misbranding of the two lots of Ulticur was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for ulcers of the stomach; effective to clean out of the system all the poisons responsible for ulcers of the stomach; and effective to overcome stomach discomfort.

On May 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$300.

M. L. WILSON, *Acting Secretary of Agriculture.*

22359. Adulteration and misbranding of fluidextract aconite. U. S. v. Sutliff & Case Co., Inc. Plea of guilty. Fine, \$70 and costs. (F. & D. no. 30211. Sample no. 25508-A.)

This case was based on an interstate shipment of fluidextract aconite that was represented to conform to the standard established by the National Formulary. Tests of the article showed that it had a potency of about one-third the requirement of the said formulary.

On September 25, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sutliff & Case Co., Inc., a corporation, Peoria, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 23, 1932, from the State of Illinois into the State of Missouri, of a quantity of fluidextract of aconite which was adulterated and misbranded. The article was labeled in part: "Fluid Extract Aconite, N. F. * * * Physiologically Standardized. Sutliff & Case Co."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary official at the time of investigation, since the article, when administered subcutaneously to guinea pigs, had a minimum lethal dose of 0.00012 cubic centimeter for each gram of body weight of guinea pig; whereas the formulary provides that fluidextract of aconite, when administered subcutaneously to guinea pigs, has a minimum lethal dose of not more than 0.00004 cubic centimeter for each gram of body weight of guinea pig, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statements, "Fluid Extract Aconite, N. F." and "Physiologically Standardized", borne on the bottle label, were false and misleading, since the article was not fluidextract of aconite that

conformed to the standard laid down in the National Formulary, and was not physiologically standardized.

On May 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$70 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22360. Misbranding of Sal Vet. U. S. v. Sal-Vet Products Co. Plea of nolo contendere. Fine, \$200 and costs. (F. & D. no. 30269. Sample no. 9707-A.)

Examination of a sample of Sal Vet showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 12, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sal-Vet Products Co., a corporation, Cleveland, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 6, 1932, from the State of Ohio into the State of Virginia, of a quantity of Sal Vet which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted principally of sodium chloride (84.24 percent), sulphur (2.35 percent), magnesium sulphate (2.34 percent), ferrous sulphate (0.85 percent), charcoal, and plant material. It contained no tobacco.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing on the package label, falsely and fraudulently represented that the article was effective as a worm destroyer and worm expeller in hogs, sheep, horses, cows, or steers; effective to keep hogs and pigs healthy and worm-free; effective to keep milk cows in healthy condition and to enable them to produce the best possible yield; and effective as a treatment for milk cows out of condition.

On May 12, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22361. Adulteration and alleged misbranding of ammoniated mercury ointment U. S. P. U. S. v. Brunswick Drug Co. Tried to the court. Judgment of guilty on adulteration charge; not guilty on misbranding charge. (F. & D. no. 30283. Sample no. 1319-A.)

This case was based on an interstate shipment of ammoniated mercury ointment which was represented to be of pharmacopœial standard. Analysis of the article showed that it contained a smaller proportion of ammoniated mercury than provided by the United States Pharmacopœia.

On November 20, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Brunswick Drug Co., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 23, 1932, from the State of California into the State of Arizona, of a quantity of ammoniated mercury ointment which was adulterated. The article was labeled in part: "Ammoniated Mercury Ointment U. S. P. Ten Per Cent * * * Brunswick Drug Company, Los Angeles."

It was alleged in count 1 of the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopœia official at the time of investigation, in that it contained less than 10 grams of ammoniated mercury, namely, not more than 6.6 grams of ammoniated mercury; whereas the pharmacopœia provides that ointment of ammoniated mercury shall contain not less than 10 grams of ammoniated mercury and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

It was alleged in count 2 of the information that the article was misbranded in that the statements, "One Ounce Ammoniated Mercury U. S. P. Ten Per Cent," and "Each Ounce Contains 43.8 grains of Ammoniated Mercury", borne on the carton and tube labels, were false and misleading, since the article did not conform to the standard laid down in the United States Pharmacopœia, and each ounce did not contain 10 percent of ammoniated mercury, or 43.8 grains of ammoniated mercury, but did contain less amounts.

On May 1, 1934, a jury having been waived and a plea of not guilty having been entered on behalf of the defendant company, the case came on for trial before the court. On May 2, 1934, the taking of testimony having been completed, the court adjudged the defendant company guilty on the first count and imposed a fine of \$200, and not guilty on the second count.

M. L. WILSON, *Acting Secretary of Agriculture.*

22362. Misbranding of O. J.'s Beauty Lotion. U. S. v. 172 Packages of O. J.'s Beauty Lotion. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31271. Sample no. 17983-A.)

Examination of a sample of O. J.'s Beauty Lotion showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 28, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 172 packages of O. J.'s Beauty Lotion at Beaumont, Tex., alleging that the article had been shipped in interstate commerce, on or about September 15, 1933, by O. J.'s Beauty Lotion Co., Inc., from Shreveport, La., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of water, alcohol (32.8 percent), and small quantities of mercuric chloride, zinc sulphate, salicylic acid, and witch hazel.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton and bottle) "Will positively remove Pimples * * * Liver Spots * * * and other Facial Blemishes. * * * Stimulates Circulation Nourishes Skin Tissues"; (circular) "Obstinate cases, even eczema, respond amazingly. * * * comes to the rescue by purging the complexion of disfiguring pimples * * * Liver-spots and other facial blemishes. * * * for abrasions which might be followed by infection * * * prevents soreness and pimples caused by close shaving. * * * Dandruff * * * For eczema, ring worm, tetter. * * * itch and all skin pimples or other skin infections * * * If your skin has any disease or impurity beneath the surface, do not be alarmed if this Lotion draws it to the surface, for this it will certainly do, as it is the only way to obtain satisfactory results."

On March 22, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22363. Misbranding of Musbro Skin Ointment. U. S. v. 103 Jars of Musbro Skin Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31311. Sample nos. 21388-A, 21389-A.)

Examination of a sample of Musbro Skin Ointment showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On November 2, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 103 jars of Musbro Skin Ointment at Englewood, N. J., alleging that the article had been shipped in interstate commerce, on or about May 3, 1933, by the Standard Veterinary Products Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of petrolatum, sulphur, and a fatty material of the nature of lard.

It was alleged in the libel that the article was misbranded in that the following statement regarding its curative and therapeutic effect, borne on the jar label, was false and fraudulent: "A sedative and healing ointment for eczema." The libel also charged a violation of the Insecticide Act of 1910, reported in Notice of Judgment no. 1323, published under that act.

On July 20, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22364. Misbranding of X-It. U. S. v. 34 Packages of X-It. Default decree of condemnation and destruction. (F. & D. no. 31627. Sample nos. 56296-A, 56297-A.)

Examination of a sample of X-It showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and in a circular shipped with the article.

On November 24, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 packages of X-It at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce, on or about October 6, 1933, by the Manufacturers Direct Sales Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "X-It * * * X-It Laboratories, Inc., New York."

Analysis of a sample of the article by this Department showed that it consisted essentially of alcohol, zinc chloride, methyl salicylate, and extracts of plant materials.

It was alleged in the libel that the article was misbranded in that the carton and circular contained false and fraudulent statements regarding its effectiveness in the treatment and prevention of pyorrhea, receding gums, loose teeth, bleeding gums, trench mouth, pus pockets, unhealthy gums, discolored gums, acute gingival infections, inflamed gums, and other gum diseases.

On March 13, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22365. Misbranding of Watkins' Liniment. U. S. v. 65 Bottles of Watkins' Liniment. Product released under bond to be relabeled. (F. & D. no. 31637. Sample no. 63636-A.)

Examination of a sample of Watkins' Liniment showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about November 28, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 bottles of Watkins' Liniment at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about August 29, 1933, by the Watkins Medicine Co., from Cherokee, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of turpentine oil, eucalyptol, small proportions of methyl salicylate, chloroform, and alcohol (62 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that the labeling bore false and fraudulent representations regarding its effectiveness in the treatment of stomach, liver, kidney and blood diseases, rheumatism, lame back, toothache, earache, sore throat, croup, catarrh, asthma, ague, cramps, colic, diarrhoea, cholera, dyspepsia, inflammation of the kidneys, catarrh of the head, diabetes, diphtheria, caked breast, frosted feet, swellings, tumors, sore nipples, stiff and enlarged joints, all diseases of inflammatory nature, deafness, fever, congestive chills, bites of snakes, tarantulas, and centipedes, dog bites, bunions, sore and bleeding gums, scurvy of the mouth, cough, bronchial affections, cholera morbus, blind, bleeding, and itching piles, sore eyes, painful menstruation, womb disease, pains in the back or side, contracted chord and muscles, ulcers, skin diseases, pimples, boils, felons, salt rheum, ringworm, scald head, erysipelas, gonorrhea, and all painful affections; (for horses and cattle) colic, contraction or cracking of the hoof, distemper, scours, sweeny, curb, lameness, "corks", horn distemper, garget, and all sores.

On April 21, 1934, Roy E. Bertholf, trading as the Watkins Medicine Co., Cherokee, Kans., having appeared as claimant for the property, judgment was entered ordering that the product be released to the claimant upon the filing of cashier's check in the amount of \$50, to be held in the nature of a bond to insure that the product be relabeled so that it comply with the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22366. Misbranding of Hart's Swedish Asthma and Hay Fever Medicine. U. S. v. 60 Bottles and 21 Bottles of Hart's Swedish Asthma and Hay Fever Medicine. Default decree of condemnation and destruction. (F. & D. no. 31687. Sample nos. 56428-A, 56429-A.)

Examination of the drug product involved in this case showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was labeled as containing alcohol, but contained no alcohol.

On December 12, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 81 bottles of Hart's Swedish Asthma and Hay Fever Medicine at Dubuque, Iowa, alleging that the article had been shipped in interstate commerce on or about July 29, 1933 (part was shipped Oct. 28, 1933), by Hart's Swedish Asthma Medicine Co., from Buffalo, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide (12 grams per 100 milliliters), glycerin, coloring, and flavoring.

It was alleged in the libel that the article was misbranded because of false and fraudulent statements in the labeling regarding its effectiveness in the treatment of asthma, hay fever, and bronchial trouble. Misbranding was alleged for the further reason that the statement on the bottle label and on some of the wrappers, "Pure Grain Alcohol 4 percent", was false and misleading, since the article contained no alcohol.

On April 25, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22367. Misbranding of Merchant's Gargling Oil Liniment. U. S. v. 15 Bottles of Merchant's Gargling Oil Liniment. Product adjudged misbranded and ordered destroyed. (F. & D. no. 31754. Sample no. 42820-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the label. Analysis of a sample of the article showed that it contained less alcohol than declared.

On December 26, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bottles of Merchant's Gargling Oil Liniment at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about June 9, 1933, by the McCullough Drug Co., from Lawrenceburg, Ind., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils (35.4 percent) consisting chiefly of turpentine oil and eucalyptol, tar oil, a small proportion of ammonia, alcohol (33.0 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "41% Alcohol", was false and misleading, since it contained materially less than 41 percent of alcohol. Misbranding was alleged for the further reason that the labeling bore false and fraudulent statements regarding its use (for man) in rheumatism, sciatica, lumbago, backache, toothache, cramps, lameness, stiff neck, stiff joints, swellings, proud flesh, lame back, pleurisy, earache, old sores, external poisons, facial blemishes, blisters, boils, bites of animals, piles, sore or aching feet, bunions, ingrown toe nails, blisters, stings from poisonous insects, barber's itch, and tender, swollen feet; (for beast) in cockle joints, cracked heels, ring bone, poll evil, flesh wounds, callos, shoulder or stifle lameness, spavins, sweet, fistula, thrush, canker, sitfast, external poisons, grease, springhalt, mange, sand cracks, rusty nail pricks, lameness, shoe boils, capped hocks, foundered feet, curb, splint, horn distemper, contracted muscles, whitlows, influenza, wounds of joints and tendons, foul ulcers, abscess of udder, and yellows; (in poultry) roup.

On or about March 15, 1934, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22368. Misbranding of Peerless Disinfectant. U. S. v. J. Wayne Perkins (Peerless Chemical Co.). Plea of guilty. Fine, \$10. (F. & D. no. 32083. Sample no. 40964-A.)

Examination of a sample of Peerless Disinfectant showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the label.

On March 19, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. Wayne Perkins, trading as the Peerless Chemical Co., Des Moines, Iowa, alleging shipment by said defendant, on or about April 28, 1933, from the State of Iowa into the State of Minnesota, of a number of carboys and jugs of Peerless Disinfectant, and charging that the product in the jugs was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium hypochlorite, sodium chloride, sodium carbonate, sodium hydroxide, and approximately 92 percent of water.

It was alleged in the information that the article was misbranded in that the following statements borne on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Contagious Abortion: Preventive Measure and Aid in Control, Calf Scours, Hog Cholera: Preventive Measure, Poultry Roup-Canker * * * Cholera-Dysentery * * * 'Roup' Disinfect Premises. White Diarrhea * * * For Dandruff and falling hair."

The information also charged a violation of the Insecticide Act of 1910, reported in Notice of Judgment No. 1330, published under that act. On May 25, 1934, the defendant entered a plea of guilty to all counts of the information, and the court imposed a sentence of \$10 on the count charging violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22369. Adulteration of ether. U. S. v. 37 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32250. Sample no. 50588-A.)

Samples of ether taken from the shipment involved in this case were found to contain peroxide, a decomposition compound.

On March 6, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cans of ether at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about June 14, 1932, by the Mallinckrodt Chemical Works, from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Half Pound Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

On April 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22370. Misbranding of Earle's Palatable Hypo-Col and Earle's Anti-Gas Tablets. U. S. v. 10 Dozen Bottles of Earle's Palatable Hypo-Col, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32298. Sample no. 68925-A.)

Examination of the drug preparations involved in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The labeling of the Hypo-Col represented that it contained no harmful or harsh ingredients and was valuable as a source of vitamins, whereas it contained ingredients that might be harmful, and was worthless as a source of vitamins A, B, C, D, and G.

On March 16, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 dozen bottles of Earle's Palatable Hypo-Col, each bottle accompanied by a sample of Earle's Anti-Gas Tablets at Philadelphia, Pa., alleging that the articles had

been shipped in interstate commerce on or about January 6, 1934, by the Earle Chemical Co., E. I. Runner Co., Inc., Proprietor, from Wheeling, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Hypo-Col contained per 100 milliliters: Calcium hypophosphite (0.43 gram), manganese hypophosphite (0.03 gram), sodium hypophosphite (0.34 gram), ferric citrate (0.26 gram), quinine (0.025 gram), strychnine, alcohol, sugar, water, and flavoring; and that the Anti-Gas Tablets contained in each tablet: Calcium carbonate (0.15 gram), magnesium carbonate (0.25 gram), sugar, and peppermint oil. Bacteriological tests of the Hypo-Col showed that it was worthless as a source of vitamins A, B, C, D, and G.

It was alleged in the label that the Hypo-Col was misbranded in that the statement on the bottle label and carton, "Contains Gaduol, an extractive from Cod Livers", was false and misleading, since the statement implied that the article contained the active constituents of cod livers, whereas it did not. Misbranding of the Hypo-Col was alleged for the further reason that the following statements appearing on the bottle and carton labels and in the circular, were false and misleading: (Bottle) "Formerly Called Hypo-Cod * * * Vitam B-C and G Iron Tonic * * * vitamin tonic containing vitamins B, C and G Formula. In addition to Vitamins B, C and G Earle's Hypo-Col contains * * *"; (carton) "Formerly Called Hypo-Cod * * * Vitamin B-C and G Iron Tonic * * * vitamin tonic containing Vitamins B, C and G. In addition to Vitamins B, C and G, Earle's Hypo-Col contains * * * Nutritive * * * Vitamin contents * * * Vitamin B, C and G. Iron Tonic"; (circular) "One of the safest food medicines you can take, as it contains absolutely no harmful or harsh ingredients."

Misbranding of both products was alleged for the reason that the following statements regarding the curative and therapeutic effects of the articles, appearing in the labeling, were false and fraudulent: (Hypo-Col, bottle label) "Directions Adults—Take one tablespoonful one-half hour before meals and on retiring. Children—One or two teaspoonfuls, according to their age and condition, three or four times daily. Those with extremely weak stomachs or very young children may start with half the above and gradually increase to the full dosage"; (circular) "For Lost Appetites Hypo-Col's One Duty is to Revive Lost or Failing Appetites. * * * Eat for Health When the doctor arrives in the sick-room one of the first things he asks is 'How is the patient's appetite?' That is because when the patient's appetite is keen, the functions of the body generally are hitting on all six and nature is ready to begin building. Good wholesome food and plenty of it is what it takes to build delicate boys and girls into robust and romping youngsters. Thus when your youngster displays a ravenous appetite, you will know he is on the right path. Finicky Eaters When your appetite lags, give nature a little help with Earle's Hypo-Col, the pleasant-tasting body-building preparation to improve your appetite. Give Hypo-Col to the delicate youngster who is picky about his food, then watch him sail into his meals like a longshoreman. Children Like It * * * It is also so safe and harmless and so free from harsh, harmful drugs that their little systems absorb every bit of benefit from every dose. * * * Earle's Hypo-Col, the National Appetizer * * * it never fails to pep up lagging appetites. * * * the * * * digestions of the older folks gradually but surely slow up. This emphasizes the need of * * * Hypo-Col because old folks need all the nourishment they can get out of good wholesome food"; (Anti-Gas Tablets, envelop) "Anti-Gas Tablets Directions—Chew one or two tablets at any time when feeling distressed from indigestion * * * Gas pains, or at any time when you smoke, drink or eat to excess"; (circular) "Anti-Gas Neutralizing * * * Tablets Recommended for Indigestion * * * A specific for all ailments due to acidity or acidosis such as * * * auto-intoxication, * * * etc. Invaluable for neutralization of acid mouth in the treatment and prevention of pyorrhea. * * * a specific for ailments due to acidity or acidosis. Dentists and physicians can recommend them to their patients as they are useful in the treatment and prevention of Pyorrhea. * * * not only immediately neutralizes all acids present in the mouth, but affords protection against further acid formation, * * * The action of these carbonates in the stomach is also one of neutralization, excess acidity being overcome and through the effect of the carminatives present, fermentation is relieved * * * no harm can come from over-dosing, * * * Among the many conditions wherein Earle's Anti-Gas tablets may be given with every

hope of good results we mention a few by way of suggestion, but the physician will quickly appreciate the wide range of usefulness to which this prescription is applicable—* * * nausea, intestinal toxemia, mucus colitis, * * * distress after eating, etc. In any condition of the digestive tract requiring treatment and not traceable to organic derangement Earle's Anti-Gas Tablets are worthy of a trial. Stomach disorders of infants and children are quick to respond to small doses frequently repeated. The tablets may be crushed and the desired dose of the powder given in a little water."

On April 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22371. Misbranding of Noz-Eez. U. S. v. 17 Large Kits, et al., of Noz-Eez. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32310 to 32313, incl., 32431. Sample nos. 60666-A to 60669-A, incl., 60758-A.)

These cases involved a treatment for nasal affections, contained in large and small kits, each kit containing an atomizer and a jar of powder. Re-fills were included in certain of the shipments. Examination showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed.

On March 22, March 24, and March 27, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 280 large and small kits of Noz-Eez, and 130 re-fills at Seattle, Wash., and 70 large and small kits of Noz-Eez, and 11 re-fills at Tacoma, Wash., alleging that the article had been shipped in interstate commerce, between the dates of January 11 and March 20, 1934, by Strong's Laboratories, from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the powder by this Department showed that it consisted essentially of boric acid (65.8 percent), starch (29.5 percent), and traces of camphor, menthol, and oxyquinoline sulphate.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Large and small jar of powder in respective kits and large and small re-fills) "Noz-Eez (Nose Ease)"; (carton for small kit) "Noz-Eez (Nose-Ease) * * * For Nose and Throat Irritations and Nasal Congestions Which Accompany Certain Phases of Sinus Infection * * * Asthma Hay Fever Catarrh Directions 1. Charge applicator with Noz-Eez powder by first pressing bulb lightly in order to create a vacuum. 2. Insert tip of applicator into jar of Noz-Eez powder and release bulb. The applicator is now charged with the correct amount of one treatment. 3. Insert tip of applicator into nostril about one-quarter inch. Press bulb. 4. Distribution of Noz-Eez powder into the nasal passages can be regulated by the amount of pressure applied. 5. After using, gently blow out excess powder. 6. Don't be alarmed at the first smarting sensation when Noz-Eez attacks the infected areas. This feeling will quickly subside. 7. Frequency of treatment. Use Noz-Eez just before retiring, upon arising and once during the day—more often if desired"; (carton for large kit) "Noz-Eez (Nose-Ease) * * * For nose and throat irritations and nasal congestions which accompany certain phases of Sinus Infection * * * Asthma Hay Fever Catarrh"; (white circular pasted on back of large kit) "Directions 1. Remove cap from bottle and replace with the metal part of the powder atomizer. 2. Insert nasal applicator of the atomizer. Spray each nostril thoroughly. 3. Blow out surplus powder before breathing deeply. 4. Spray each nostril the second time. 5. Noz-Eez should be used at least three times daily; more often if desired. It should be used especially just before retiring and also immediately upon arising. 6. Don't be alarmed at the first smarting sensation when Noz-Eez attacks the infected areas. This feeling will quickly subside. 7. After using Noz-Eez, remove metal part of atomizer and replace with original cap. It is important that bottle be kept tightly sealed at all times."

On April 19 and July 23, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22372. Misbranding of Pineforus No. 1 and Pineforus No. 2. U. S. v. 112 Bottles of Pineforus No. 1, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32497. Sample nos. 67335-A, 67336-A.)

Examination of the drug products involved in this case showed that they contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The articles were labeled to convey the impression that they were composed of ingredients obtained from the pine tree, whereas they were not.

On April 3, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 112 bottles of Pineforus No. 1 and 187 bottles of Pineforus No. 2 at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about March 10, 1934, by Harry J. Mooney, as a passenger on a coach line, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Pineforus Co., Chicago, Ill."

Examination of samples of the articles by this Department showed that they consisted essentially of balls of cotton saturated with a mixture of volatile oils including menthol, camphor, and eucalyptol (9 percent) with mineral oil (91 percent).

It was alleged in the libel that the articles were misbranded in that the statements on the labels, "Pineforus" and "Pine Air Inhalant", were false and misleading in view of the composition of the articles. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the articles were false and fraudulent: (Pineforus No. 1) "For Hay Fever & Asthma"; (Pineforus No. 2) "For * * * Catarrh"; (both products) "Pineforus is recommended by Physicians Made in Two Formulæ. No. 1 for Hay Fever, Asthma, Insomnia, Whooping Cough, Croup * * * Restores the Voice No. 2 for * * * Catarrh, Bronchitis, LaGrippe, Influenza * * * Purifies the Air you Breathe. Directions:—Turn bottle upside down to saturate fillers with oils. Insert a filler in each nostril with a pair of tweezers. Use fresh fillers every two hours until you can breathe easy, then change fillers every eight hours. Pineforus consists of a combination of * * * healing oils. Made in two formulæ for all forms of Congestion in Head, Throat and Lungs."

On April 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered; and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22373. Adulteration and misbranding of glycerin. U. S. v. 1 Drum of Glycerin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32529. Sample no. 58845-A.)

This case involved a shipment of glycerin labeled U. S. P., but which differed from the standard laid down in the United States Pharmacopœia.

On April 11, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one drum of glycerin at Trenton, N. J., alleging that the article had been shipped in interstate commerce, on or about January 29, 1934, by James Good, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and its strength, quality, and purity differed from the standard set up by the said pharmacopœia, and its own standard of strength, quality, and purity was not stated on the label.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, namely, "Glycerin U. S. P."

On May 23, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22374. Misbranding of Acco Aspirin Tablets. U. S. v. 103 Cartons of Acco Aspirin Tablets. Default decree of destruction. (F. & D. no. 32538. Sample no. 39350-A.)

This case involved a shipment of aspirin tablets which were labeled with unwarranted curative and therapeutic claims.

On April 13, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 103 cartons of Acco aspirin tablets at Savannah, Ga., alleging that the article had been shipped in interstate commerce, on or about March 2, 1934, by the Feldman-Martin Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the following statements appearing in circulars shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: (Circular headed "Acco Genuine Aspirin") "It is highly recommended for the relief of * * * Painful Periods, Rheumatic Conditions * * * and similar ailments * * * Directions for Use * * * Painful Periods, etc. Two tablets one hour after meals, repeated in an hour if not completely relieved. Toothache, Earache; Same Dosages as for Headache. Rheumatism, Lumbago: One or two tablets 3 times daily, one hour after each meal. Sciatica * * * Two tablets 3 times daily, one hour after each meal"; (circular headed "Acco The Safe Aspirin in the New, etc.") "Directions for Use: We recommend the use of 'Acco' Aspirin tablets for * * * Lumbago * * * Toothache, Earache, Sciatica and similar ailments * * * Rheumatism, Lumbago: One or two tablets 3 times daily one hour after each meal. Sciatica, * * * Two tablets 3 times daily, one hour after each meal. Toothache, Earache: Two tablets one hour after meals, repeated in an hour if not completely relieved."

On May 7, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22375. Adulteration and misbranding of spirit of niter. U. S. v. 60 Bottles of Spirit of Nitre, U. S. P. Default decree of condemnation and destruction. (F. & D. no. 32573. Sample no. 54692-A.)

This case involved a product labeled to convey the impression that it was sweet spirit of niter, a synonym for ethyl nitrite, a drug recognized in the United States Pharmacopœia. Three samples of the article were found upon analysis to contain 2.89 percent, 2.29 percent, and 0.53 percent of ethyl nitrite, whereas the pharmacopœia requires that spirit of ethyl nitrite shall contain not less than 3.5 percent of ethyl nitrite. All samples were found to contain less than 19 minims of ethyl nitrite, the amount declared on the carton, and one of the samples contained less than 10 minims of ethyl nitrite, the amount declared on the bottle label.

On April 19, 1934, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bottles of spirit of niter at Norfolk, Va., alleging that the article had been shipped in interstate commerce, on or about November 27, 1933, by McCormick & Co., Inc., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the standard or quality under which it was sold, namely: (Carton) "Spirit of Nitre U. S. P. Each Fluid Ounce contains 19 Min. Ethyl Nitrite."

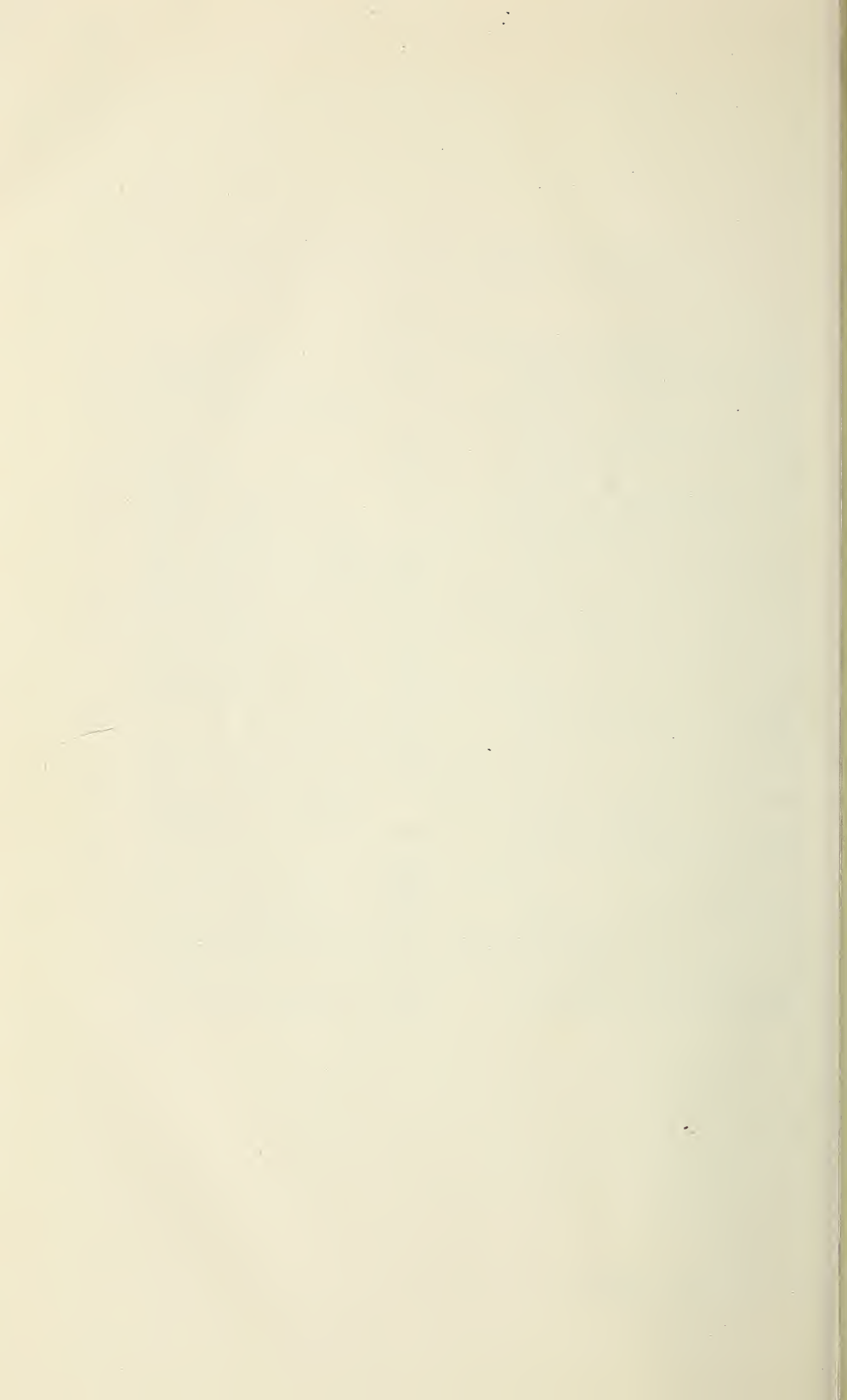
Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Bottle) "Spts. Nitre U. S. P. * * * Contains 10 Min. Ethyl Nitrite per fl. oz."; (carton) "Spirit of Nitre U. S. P. Each Fluid Ounce Contains 19 Min. Ethyl Nitrite."

On May 18, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22376-22475

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 17, 1934]

22376. Adulteration and misbranding of vinegar. U. S. v. 70 Barrels and 65 Barrels of Vinegar. Tried to the court and a jury. Verdict for the Government. Decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 27334, 27381. I. S. nos. 41401, 41404. Sample nos. 5507, 5538.)

These cases involved two shipments of alleged apple cider vinegar which was found to consist in whole or in part of a mixture of commercial acetic acid and evaporated apple products vinegar.

On December 4 and December 14, 1931, the United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two lots totaling 135 barrels of vinegar at Milwaukee, Wis. It was alleged in the libels that the article had been shipped in interstate commerce by the W. E. Mathes Vinegar Co., from Medina, N. Y., into the State of Wisconsin; that 70 barrels had been shipped on or about September 11, 1931, and that the remaining 65 barrels had been shipped on or about September 25, 1931; and that the article was adulterated and misbranded in violation of the Food and Drugs Act.

The vinegar in the former shipment was labeled in part: "Pure Apple Cider Vinegar made from Fresh Apples reduced to 45 Acidity." The vinegar in the latter shipment was labeled in part: "Hoffman's Finest Quality Apple Cider Vinegar * * * Absolutely Pure, John Hoffman and Sons Co., Milwaukee, Wis."

The libels charged adulteration of the former lot in that a substance, commercial acetic acid and evaporated apple products vinegar, a product inferior to pure apple cider vinegar made from fresh apples, had been mixed and packed with and substituted in whole or in part for pure apple cider vinegar made from fresh apples, which the article purported to be; and of the latter lot in that commercial acetic acid and evaporated apple products vinegar had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the article.

Misbranding was alleged with respect to the former lot for the reason that the statement on the label, "Pure Apple Cider Vinegar made from Fresh Apples", was false and misleading and deceived and misled the purchaser, since it was not vinegar made from fresh apples, but was composed in whole or in part of a mixture of commercial acetic acid and evaporated apple products vinegar. Misbranding of the latter lot was alleged for the reason that the statement on the label, "Finest Quality Apple Cider Vinegar Absolutely Pure John Hoffman and Sons Co.", was false and misleading and deceived and misled the purchaser in view of the fact that it contained commercial acetic acid and apple waste vinegar and since it was not manufactured by the firm of John Hoffman & Sons Co. Misbranding of both lots was alleged for the further reason that they were offered for sale under the distinctive name of another article.

On January 25, 1932, Martin Buckley doing business as the W. E. Mathes Vinegar Co., filed a claim and answer denying the material allegations of the

libels. On February 26, 1934, the cases came on for trial before the court and a jury. After the submission of evidence and arguments of counsel the court instructed the jury, which retired and after due deliberation returned a general verdict in favor of the Government. On March 8, 1934, the claimant filed a motion for a new trial, which motion was subsequently argued, and overruled on March 31, 1934. On April 10, 1934, judgments of condemnation and forfeiture were entered, and the court ordered that the product be destroyed by the United States marshal and that the Government recover costs from the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

22377. Adulteration of tomato catsup. U. S. v. Smith Canning Co. Plea of guilty. Fine, \$26. (F. & D. no. 29457. I. S. nos. 17328, 37005.)

This case was based on interstate shipments of tomato catsup that contained excessive mold.

On May 22, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Smith Canning Co., a corporation, Clearfield, Utah, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 19 and October 22, 1931, from the State of Utah into the State of Texas, of a quantity of tomato catsup that was adulterated. A portion of the article was labeled in part: (Can) "Victor Brand Standard Tomato Catsup * * * Packed * * * Smith Canning Co. of Clearfield, Utah." The remainder was labeled in part: (Bottle) "Dinnerette Brand Tomato Catsup * * * Packed by Smith Canning Co. Clearfield, Utah."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On June 1, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$26.

M. L. WILSON, *Acting Secretary of Agriculture.*

22378. Adulteration and misbranding of Alfalfa Leaf Meal and misbranding of Egg-O-Milk. U. S. v. G. Fred Obrecht (P. Fred'k Obrecht & Son). Plea of nolo contendere. Judgment of guilty. Fine, \$30. (F. & D. no. 29503. I. S. nos. 19227, 29767.)

This case was based on an interstate shipment of two lots of feed described as alfalfa leaf meal and Egg-O-Milk. Examination showed that the former was not alfalfa leaf meal and contained less protein and fat and more fiber than declared; and that the latter was not a perfect food made largely from egg and milk as claimed, also that it contained less protein than declared.

On September 20, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. Fred Obrecht, trading as P. Fred'k Obrecht & Son, Baltimore, Md., alleging shipment by said defendant, on or about December 1, 1931, from the State of Maryland into the State of Delaware, of a quantity of alleged alfalfa leaf meal which was adulterated and misbranded, and of a quantity of Egg-O-Milk which was misbranded. The articles were labeled in part: "Alfalfa Leaf Meal Protein 20%, Fat 2½% Fibre 18% Manufactured For Hood Mills Co. Hood Mills, Md."; "Egg Yolk Milk Malt Flour Combined in a Truly Great Discovery Called—Egg-O-Milk The Perfect Food * * * Protein 18% Prepared by Egg-O-Milk Company Distributed by P. Fred'k Obrecht & Son, Baltimore, Md."

It was alleged in the information that the alfalfa leaf meal was adulterated in that a substance, namely, a meal other than alfalfa meal, deficient in protein and fat and containing excessive fiber, had been substituted for the article.

Misbranding of the alfalfa leaf meal was alleged for the reason that the statements, "Alfalfa Leaf Meal Protein 20%, Fat 2½% Fibre 18%", borne on the tag attached to the sacks containing the article, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not alfalfa meal, and contained less than 20 percent of protein, less than 2½ percent of fat, and more than 18 percent of fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, alfalfa leaf meal. Misbranding of the Egg-O-Milk was alleged for the reason that the statements, "Egg-O-Milk The Perfect Food, * * * Protein 18%", borne on the tags

attached to the sacks containing the article, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since they represented that the article was a perfect food made largely from egg and milk, and had a protein content of 18 percent; whereas it was a product consisting mostly of a starchy material, and contained less than 18 percent of protein, namely, not more than 8.88 percent of protein.

On June 1, 1934, the defendant entered a plea of *nolo contendere*, was adjudged guilty, and fined \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

22379. Adulteration of butter. U. S. v. Hazelwood Co., Ltd. Pleas of guilty. Fines, \$30. (F. & D. nos. 29523-A, 29523-B. Sample nos. 1549-A, 1550-A, 1738-A.)

This case was based on shipments of butter which contained less than 80 percent by weight of milk fat.

On September 13, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court two informations against the Hazelwood Co., Ltd., a corporation, having its principal place of business at Spokane, Wash., and a place of business at Walla Walla, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 23, 1932, from Spokane, Wash., into the State of Idaho, and on or about May 31, 1932, from Walla Walla, Wash., into the State of Oregon, of quantities of butter which was adulterated. The article was labeled in part: "Jersey Belle [or "Hazelwood"] Butter * * *

Hazelwood Co., Ltd., Spokane, Wash."

It was alleged in the informations that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On March 27, 1934, pleas of guilty to both informations were entered on behalf of the defendant company, and the court imposed fines in the amount of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

22380. Adulteration of vinegar. U. S. v. 117 Half Barrels of Vinegar. Default decree of condemnation and destruction. (F. & D. no. 29645. Sample nos. 26773-A, 26793-A.)

This case involved a shipment of vinegar that contained arsenic in an amount that might have rendered it injurious to health.

On December 15, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 half barrels of vinegar at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce, on or about September 16, 1932, by H. D. Hollwedel from Middleport, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. E. Mathes Vinegar Co., Pure Apple Cider Vinegar. * * * Albion, N. Y."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On January 26, 1933, H. D. Hollwedel intervened as claimant and filed an answer denying the adulteration charge. On May 4, 1934, the case having been called for trial and no representative of the claimant appearing, the court pronounced all parties in interest in default and after hearing the witnesses for the Government, entered judgment of condemnation and ordered that the product be destroyed by the United States marshal and that the claimant pay all costs, including storage and transportation costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22381. Adulteration of butter. U. S. v. Henry Gerhard (Gray County Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 30273. Sample nos. 32009-A, 32010-A.)

This case involved butter that contained less than 80 percent of milk fat.

On January 23, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry Gerhard, trading as the Gray County Creamery, Pampa, Tex., alleging shipment by said defendant, on or

about April 3, 1933, from the State of Texas into the State of New York, of quantities of butter that was adulterated. A portion of the article was labeled in part: "Jos. J. Herold Co., New York." The remainder was labeled in part: "F. F. Lowenfels & Son New York."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On May 22, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22382. Adulteration and misbranding of butter. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, \$30. (F. & D. no. 30289. Sample nos. 23149-A, 25099-A, 36119-A.)

This case was based on interstate shipments of two lots of butter that was deficient in milk fat and one lot that was short weight.

On January 26, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nelson-Ricks Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, on or about November 4, 1932, and May 11, 1933, from the State of Utah into the States of California and Nevada, of quantities of butter that was adulterated and misbranded, and on or about April 15, 1933, from the State of Utah into the State of California, of a quantity of butter that was misbranded. A part of one shipment was contained in fiber cases labeled, "Butter 68 Lbs. Net." The two other shipments consisted of print butter, labeled in part: "Banquet Better Butter Pasteurized Nelson-Ricks Creamery Company Salt Lake City, Utah" and "Rose Bud Pasteurized Creamery Butter Net Weight One Pound The Cudahy Packing Co. Distributors", respectively.

The information charged that two lots of the article were adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of March 4, 1923, which the article purported to be.

Misbranding of two lots found deficient in milk fat was alleged in that a part of one of the lots, and all of the remaining lot, were labeled "Butter", which was false and misleading and tended to deceive and mislead the purchaser, since it was not butter as defined by law. Misbranding of the third lot was alleged for the reason that the statement, "Net Weight One Pound", borne on the cartons, was false and misleading, and tended to deceive and mislead the purchaser, since the cartons contained less than 1 pound; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On May 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

22383. Misbranding of canned red kidney beans, canned brown beans, canned black eyed peas, and canned baby lima beans. U. S. v. Waples Platter Co. Plea of guilty. Fine, \$50. (F. & D. no. 30318. Sample nos. 2238-A to 2241-A, incl.)

Samples taken from each of the shipments involved in this case were found to contain less than 16 ounces, the labeled weight.

On January 19, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Waples Platter Co., a corporation, Fort Worth, Tex., trading at Farwell, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various shipments on or about February 25, March 4, November 18 and December 16, 1931, from the State of Texas into the State of New Mexico, of quantities of canned goods that were misbranded. The articles were labeled in part: (Can) "Wapco Red Kidney Beans [or "Brown Beans", "Black Eyed Peas", or "Baby Lima Beans"] Contents 16 Oz., Distributed by Waples Platter Company, Texas."

It was alleged in the information that the articles in each of a number of the cans were misbranded in that the statement "Contents 16 Oz.", borne on

the cans, was false and misleading, and for the further reason that they were labeled so as to deceive and mislead the purchaser, since a large number of the cans of each product contained less than 16 ounces. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On May 21, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22384. Adulteration of frozen eggs. U. S. v. Ovson Egg Co. Judgment of guilty. Fine, \$100. (F. & D. no. 30326. Sample no. 7168-A.)

This case was based on an interstate shipment of frozen eggs, samples of which were found to be sour, musty, putrid, or slightly sour.

On November 2, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ovson Egg Co., a corporation, trading at Dallas, Tex., alleging shipment by said company, on or about June 30, 1931, from the State of Texas into the State of Louisiana, of a quantity of frozen eggs which were adulterated. The article was contained in cans labeled in part: "Ovson Egg Company Whole Eggs, Chicago, Illinois. * * * A Product of National Dairy."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On June 4, 1934, a plea of not guilty having been entered on behalf of the defendant company and a jury having been waived, the case was tried to the court, judgment of guilty was entered, and a fine of \$100 was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22385. Misbranding of olive oil. U. S. v. 38 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be repackaged and properly labeled. (F. & D. no. 30406. Sample no. 31991-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On May 4, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cans of olive oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce, on or about April 18, 1933, by the Italian Olive Oil Corporation from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contains One Full Gallon * * * C. B. Crisafulli Brand Choicest Pure Olive Oil."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contains One Full Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 5, 1934, the Italian Olive Oil Corporation, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be emptied into other containers and properly labeled as to the quantity of the contents.

M. L. WILSON, *Acting Secretary of Agriculture.*

22386. Misbranding of olive oil. U. S. v. 27 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be repackaged and properly labeled. (F. & D. no. 30678. Sample no. 32041-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On or about July 7, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cans of olive oil at Waterbury, Conn., alleging that the article had been shipped in interstate

commerce, on or about April 27, 1933, by Ossola Bros., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Net Grande Italia Brand Extra Sublime Virgin Olive Oil."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Gallon Net", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 5, 1934, Ossola Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be emptied into other containers, properly labeled with the quantity of the contents.

M. L. WILSON, *Acting Secretary of Agriculture.*

22387. Misbranding of canned spinach. U. S. v. California Packing Corporation. Plea of guilty. Fine, \$1,000. (F. & D. no. 31352. Sample nos. 2186-A, 2187-A, 2188-A, 2191-A, 2421-A.)

This case was based on several interstate shipments of canned spinach that was short weight.

On January 9, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Packing Corporation, trading at San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 21 and December 8, 1931, February 16 and April 16, 1932, from the State of California into the State of Montana, of quantities of canned spinach which was misbranded; also shipment on or about April 25, 1932, from the State of California into the State of New Mexico, of a quantity of canned spinach which was misbranded. The article was labeled in part: "Del-Monte Brand [or "Sun-Kist Brand"] Spinach Net Weight 8 Oz. California Packing Corporation * * * San Francisco, California."

It was alleged in the information that the article was misbranded in that the statement, "Net Weight 8 Oz.", borne on the can labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 8 ounces.

On April 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$1,000.

M. L. WILSON, *Acting Secretary of Agriculture.*

22388. Adulteration of tullibeas. U. S. v. Arthur Zippel. Plea of guilty. Fine, \$50. (F. & D. no. 31379. Sample nos. 4572-A, 28544-A.)

This case was based on interstate shipments of tullibeas that were infested with worms.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur Zippel, Baudette, Minn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 19, 1932, and January 21, 1933, from the State of Minnesota into the State of Illinois, of quantities of tullibeas that were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance; and in that it consisted of a portion of an animal unfit for food.

On May 24, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22389. Misbranding of canned strawberries. U. S. v. Ray-Maling Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 31381. Sample nos. 22964-A, 22978-A.)

This case was based on interstate shipments of short-weight canned strawberries.

On March 26, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ray-Maling Co., Inc., a corporation, Hillsboro, Oreg.,

alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 3 and March 14, 1933, from the State of Oregon into the State of California, of a quantity of canned strawberries which were misbranded. The article was labeled in part: (Can) "Net Weight 1 Lb. 4 Ozs. * * * Packed By Ray-Maling Company, Inc., Kitchens Hillsboro, Oregon Raycrest Brand * * * Unsweetened Strawberries."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 1 Lb. 4 Ozs.", borne on the can label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 pound 4 ounces of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 25, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22390. Adulteration and misbranding of apple chops. U. S. v. John A. Merz. Plea of guilty. Fine, \$25. (F. & D. no. 31403. Sample no. 23995-A.)

This case was based on an interstate shipment of apple chops which were found to contain arsenic and lead and which were also insect-infested, decayed, and dirty. The sacks were not labeled with a statement of the quantity of the contents.

On February 26, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John A. Merz, Biglerville, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about February 3, 1933, from the State of Pennsylvania into the State of Missouri, of a quantity of apple chops which were adulterated and misbranded.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy animal substance; and in that it contained added poisonous and deleterious ingredients, arsenic and lead, in an amount that might have rendered it injurious to health.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 12, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22391. Adulteration of oysters. U. S. v. Herbert L. Lawson (Star Oyster Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. no. 31411. Sample no. 22493-A.)

This case was based on a shipment of oysters that contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herbert L. Lawson, trading as the Star Oyster Co., Crisfield, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 16, 1932, from the State of Maryland into the State of Pennsylvania, of a quantity of oysters which were adulterated. The article was labeled in part: (Can) "Celebrated Star Brand Salt Water Oysters * * * Packed Daily at Crisfield Md."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be.

On May 2, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22392. Adulteration and misbranding of canned pineapple. U. S. v. Market Wholesale Grocers, Inc. Plea of nolo contendere. Fine, \$100. (F. & D. no. 31414. Sample no. 25326-A.)

This case was based on an interstate shipment of a product represented to be canned Hawaiian pineapple which was found to consist in whole or in part of Cuban pineapple.

On February 21, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Market Wholesale Grocers, Inc., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 30, 1932, from the State of Illinois into the State of Iowa, of a quantity of canned pineapple which was adulterated and misbranded. The article was labeled in part: "New Century Brand * * * Grated Hawaiian Pineapple * * * Packed For Crossfeld & Roe Co., Chicago, Ill."

It was alleged in the information that the article was adulterated in that Cuban pineapple had been substituted in whole and in part for Hawaiian pineapple, which the article purported to be.

Misbranding was alleged for the reason that the statement "Hawaiian Pineapple", borne on the can label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist wholly of Hawaiian pineapple, but did consist in whole or in part of Cuban pineapple.

On May 17, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, Acting Secretary of Agriculture.

22393. Adulteration and misbranding of butter. U. S. v. Beatrice Creamery Co. Plea of guilty. Fine, \$400. (F. & D. no. 31418. Sample nos. 29629-A, 29630-A.)

This case was based on a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On February 27, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Beatrice Creamery Co., a corporation trading at Denver, Colo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 29, 1933, from the state of Colorado into the State of California, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Meadow Gold Butter * * * Beatrice Creamery Company, General Office, Chicago, Ill."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the package, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as prescribed by the said act of Congress.

On May 28, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$400.

M. L. WILSON, Acting Secretary of Agriculture.

22394. Adulteration of apples. U. S. v. Nash-Corrigan Co. and Ralph E. Richardson. Nash-Corrigan Co. entered plea of guilty; fine \$20. Ralph E. Richardson entered a plea of nolo contendere; fine, \$5. (F. & D. no. 31419. Sample no. 31251-A.)

This case was based on an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On February 21, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nash-Corrigan Co., a corporation, Yakima, Wash., and Ralph E. Richardson, of Zillah, Wash., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 15, 1933, from the State of Washington into the State of Montana, of a quantity of apples that were adulterated. The article was labeled in part: "Winesap Orchard Run * * * Pheasant Brand Nash Corrigan Company, Yakima, Washington * * * Packed By R. E. Richardson, Zillah, Wash."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 4, 1934, Ralph E. Richardson entered a plea of *nolo contendere* and was fined \$5. On the same date a plea of guilty was entered on behalf of the Nash-Corrigan Co., and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

22395. Adulteration of salmon. U. S. v. Standard Packing Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31423. Sample nos. 14845-A, 25853-A, 26063-A.)

This case was based on an interstate shipment of canned salmon that was found to be in part tainted or stale.

On May 9, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 13, 1932, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 15, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22396. Adulteration of oysters. U. S. v. Nelson R. Coulbourn. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. no. 31426. Sample no. 32866-A.)

This case was based on a shipment of oysters that contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nelson R. Coulbourn, Crisfield, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 16, 1932, from the State of Maryland into the State of New York, of a quantity of oysters that were adulterated. The article was labeled in part: "Crisfield Oysters * * * Packed at Crisfield, Md., by N. R. Coulbourn."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be.

On May 2, 1934, the defendant entered a plea of *nolo contendere*, and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22397. Adulteration of split peas. U. S. v. The Chas. H. Lilly Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 31428. Sample no. 21572-A.)

This case was based on an interstate shipment of split peas that were found to contain a large percentage of worm-eaten peas and dead insects.

On February 28, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chas. H. Lilly Co., a corporation trading at Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 7, 1933, from the State of Washington into the State of New York, of a quantity of split peas that were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On May 7, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22398. Adulteration and misbranding of oysters. U. S. v. W. H. Killian Co. Plea of nolo contendere. Fine, \$50. (F. & D. no. 31429. Sample no. 4594-A.)

This case was based on a shipment of oysters that contained excessive water.

On June 1, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. H. Killian Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act,

on or about December 15, 1932, from the State of Maryland into the State of Michigan, of a quantity of oysters that were adulterated and misbranded. The article was labeled in part: (Can) "Cap'n John's Fresh Raw Oysters * * * All Pure Food Laws Complied With * * * The Great Atlantic and Pacific Tea Co., New York, N. Y., Distributors."

It was alleged in the information that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, oyster solids, had been in part abstracted.

Misbranding was alleged for the reason that the statement, "All Pure Food Laws Complied with", borne on the can, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not comply with the Food and Drugs Act of June 30, 1906.

On June 1, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22399. Adulteration and misbranding of tomato puree. U. S. v. 50 Cases of Puree. Default decree entered. Product delivered to charitable organizations. (F. & D. no. 31873. Sample nos. 45173-A, 56402-A.)

This case involved a shipment of tomato puree which was deficient in tomato solids.

On January 23, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of tomato puree at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about December 20, 1933, by the Delta Canneries, Inc., from Stockton, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Winter Garden Puree * * * Packed by Delta Canneries Stockton, Calif."

It was alleged in the libel that the article was adulterated in that an insufficiently concentrated tomato product had been substituted for tomato purée, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Puree", was false and misleading and deceived and misled the purchaser, since the said statement represented that the article was tomato puree; whereas an insufficiently concentrated tomato product made from tomatoes and tomato trimmings had been substituted for tomato puree. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 21, 1934, no claimant having appeared, a decree was entered sustaining the allegations of the libel. On April 12, 1934, the court having found that the product was wholesome and fit for human consumption, final decree was entered, ordering that it be delivered to charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

22400. Misbranding of salad oil. U. S. v. 28 Cans, et al., of Salad Oil. Product released under bond for repacking. (F. & D. nos. 31923, 31924, 31975, 32012. Sample nos. 52139-A, 52140-A, 52141-A, 52150-A, 67407-A.)

These cases involved a product which consisted principally of domestic cottonseed oil which was labeled to convey the impression that it was olive oil of foreign origin.

On January 30, February 13, and February 20, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 196 gallon cans and 42 half-gallon cans of salad oil, in part at Lyndhurst, N. J., and in part at Newark, N. J., alleging that the article had been shipped in interstate commerce, in various shipments between the dates of May 4, 1933, and January 26, 1934, by the Moosalina Products Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was misbranded in that the statements on the main panel of the can, "Oil Lucca Toscana Brand" and "Marca Lucca Toscana", and on the top of the can, "The Contents of Olive Oil in this can is imported from Italy", together with the design of olive branches and

leaves also appearing on the can, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was Italian olive oil; whereas it consisted chiefly of cottonseed oil packed in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to a portion of the article for the further reason that it was offered for sale under the distinctive name of another article.

The Moosalina Products Corporation appeared as claimant for the property, admitted the allegations of the libels, and consented to the entry of a decree condemning and forfeiting the product. On May 1, 1934, the cases having been consolidated into one cause of action, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be repacked so that it comply with the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22401. Adulteration of dried pears. U. S. v. 25 Boxes of Dried Pears. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31925. Sample no. 45454-A.)

This case involved a shipment of dried pears which were found to contain dirt, insect excreta, dead larvae, and work holes.

On January 31, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 boxes of dried pears at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 18, 1934, by Schwabacher Bros., of Outer Harbor, Oakland, Calif., from San Francisco, Calif. (manufacturer, Rosenberg Bros. & Co., San Francisco, Calif.), and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Madrona Brand Evaporated Choice Pears."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22402. Adulteration and misbranding of apple jelly. U. S. v. 400 Cases of Apple Jelly. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31954. Sample no. 46120-A.)

Analysis of the apple jelly involved in this case showed that it contained sodium benzoate and inactive malic acid, neither of which is a normal ingredient of apple jelly. Sample jars taken from the shipment were found to contain less than 10 ounces, the labeled weight.

On February 26, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed an amended libel, in lieu of the original libel theretofore filed, against 400 cases of apple jelly at Chicago, Ill. It was alleged in the amended libel that the said 400 cases of apple jelly had been shipped in interstate commerce, on or about January 9, 1934, by the National Fruit Co. (National Fruit Product Co., Inc.), of Washington, D. C., from Winchester, Va., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Club House Brand Contents Ten Oz. Pure Apple Jelly Distributed by Franklin MacVeigh & Co., Chicago."

The amended libel charged that the article was adulterated in that a substance containing added sodium benzoate and inactive malic acid had been substituted for pure apple jelly.

Misbranding was alleged for the reason that the statements, "Contents Ten Oz." and "Pure Apple Jelly", borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 30, 1934, the National Fruit Product Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was

ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22403. Adulteration of candy. U. S. v. 17 Boxes and 34 Boxes of Candy. Default decrees of condemnation and destruction. (F. & D. nos. 32004, 32005. Sample nos. 43080-A, 43086-A.)

These cases involved shipments of candy which contained concealed coins.

On or about February 24, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 51 boxes of candy at Hartford, Conn., alleging that the article had been shipped in interstate commerce, in part on or about December 1, 1933, and in part on or about December 12, 1933, by R. E. Rodda Co., from Lancaster, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chocolate Covered Money * * * Chocolate Covered Coin Money 1¢ R. E. Rodda Candy Co., Lancaster, Pa."

It was alleged in the libels that the article was adulterated under the provisions of the law relating to confectionery in that it contained an ingredient deleterious or detrimental to health, namely, a copper cent. Adulteration was alleged under the provisions of the law relating to food, for the reason that the article contained an added deleterious ingredient which might have rendered it injurious to health.

On April 30, 1934, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the coins be removed and the candy destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22404. Adulteration and misbranding of tomato catsup. U. S. v. 100 Cases, et al., of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32009, 32010, 32320. Sample nos. 63869-A, 63870-A, 65402-A.)

These cases involved shipments of tomato catsup which were labeled as containing no artificial color, but which, in fact, did contain artificial color. Sample bottles taken from the 8-ounce size were found to contain less than 8 ounces.

On or about March 1 and March 22, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 278 cases of tomato catsup at Chicago, Ill., alleging that the article had been shipped in interstate commerce in various consignments, on November 4 and November 23, 1933, and February 23, 1934, respectively, by the Summit Packing Co., of La Porte, Ind., in part from La Porte, Ind., and in part from Wellsboro, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. One lot, contained in 8-ounce bottles, was labeled in part: (Principal label) "Contents 14 Ozs. Rarebit Tomato Catsup, Distributed by Wurm Brothers Co., Chicago, Ill."; (neck band) "We guarantee this catsup to be absolutely pure No * * * artificial coloring * * * 8 Oz." One lot was labeled in part: (Principal label) "Edgewater Catsup 14 Oz. Emile Bastien & Co. Distributors Chicago (Austin)"; (neck band) "Free from * * * artificial coloring." One lot was labeled in part: (Bottle) "Net weight 8 Oz. Rosemary * * * Pure Tomato Catsup Samuel Kunin & Sons, Inc. Distributors, Chicago, Ill. * * * No * * * artificial coloring. * * * 8 Oz."

It was alleged in the libels that the article was adulterated in that tomato catsup containing artificial color had been substituted for the article.

Misbranding was alleged for the reason that the statements, "Pure Tomato Catsup", "Tomato Catsup", "Catsup", "No * * * artificial coloring", "Free from * * * artificial coloring", appearing on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to tomato catsup which contained artificial color. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding of the 8-ounce bottles was alleged for the reason that the statements, "Net Weight 8 Oz.", "8 Oz.",

borne on the labels, and the statement on the principal label of a portion of the 8-ounce bottles, "Contents 14 Oz.", were false and misleading, and tended to deceive and mislead the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since neither statement was correct.

On April 11, 1934, the Summit Packing Co., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22405. Adulteration of canned shrimp. U. S. v. 288 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 32014. Sample no. 59669-A.)

This case involved a shipment of canned shrimp which was in part decomposed.

On or about February 27, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 288 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 20, 1933, by the Gussie Fountain Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 19, 1934, Sanborn, Holmes & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the decomposed portions be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22406. Misbranding of brown sauce. U. S. v. 8 Cases and 7 Cases of Brown Sauce. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 32064. Sample no. 66585-A.)

This case involved a product labeled to indicate that it consisted of molasses. Examination showed that it was not molasses but was a mixture of brown sugar and other ingredients, also that the bottles contained less than the labeled volume.

On March 3, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of brown sauce at Denver, Colo., consigned by the La Choy Food Products Co., Detroit, Mich., alleging that the article had been shipped in interstate commerce, in part on or about September 27, 1933, and in part on or about October 25, 1933, from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Net Weight 8 oz. La Choy Genuine Brown Sauce (Bead Molasses)."

It was alleged in the libel that the article was misbranded in that the statements, "Net Weight 8 oz." and "Molasses", were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the labels be removed and the product sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22407. Misbranding of assorted jellies. U. S. v. 15 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32065. Sample nos. 65026-A to 65029-A, incl.)

Sample jars of jellies taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 1, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of assorted jellies at Detroit, Mich., alleging that the articles had been shipped in interstate commerce, on or about December 30, 1933, by the Glaser, Crandell Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Derby Brand Apple Pectin Jelly Net Wt. 1 Lb. 7 Oz. Glaser Crandell Co., Chicago." Three of the four varieties were further labeled, "Raspberry Flavor", "Currant Flavor", or "Grape Flavor."

It was alleged in the libel that the articles were misbranded in that the statement on the label, "Net Weight One Pound Seven Ounces", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 3, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22408. Misbranding of strawberry preserves. U. S. v. 16½ Cases of Assorted Preserves. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32070. Sample nos. 66757-A, 66758-A.)

This case involved a shipment of assorted preserves including strawberry preserves. Sample jars taken from the strawberry preserves were found to contain less than the labeled weight.

On March 9, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16½ cases of assorted preserves at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about August 13, 1932, by the California Packing Corporation, from Alameda, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The strawberry preserves were labeled in part: "Gold Crest Brand Strawberry Jam * * * California Preserving Co., Los Angeles, Calif. Net Weight 2½ Lb."

It was alleged in the libel that the strawberry preserves were misbranded in that they were labeled "Net Weight two and one half lb.", so as to deceive and mislead the purchaser, since the jars contained less than 2½ pounds of strawberry preserves. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not stated plainly and correctly on the jars.

On April 5, 1934, the Ryan-Sheridan Co., Sheridan, Wyo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that the strawberry preserves be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22409. Adulteration and misbranding of catsup. U. S. v. 7 Cases and 15½ Cases of Catsup. Tried to the court. Judgment for the Government. Product ordered released under bond to be relabeled. (F. & D. no. 32078. Sample no. 61395-A.)

This case involved a shipment of catsup which contained a foreign starch in appreciable amounts, also fibers and gum masses resembling those found in slippery elm bark.

On March 3, 1934, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22½ cases of catsup at Clovis, N. Mex., alleging that the article had been shipped in interstate commerce, on or about January 6, 1934, by the Waples Platter Co., from Fort Worth, Tex., and had been transported from the State of Texas into the State of New

Mexico, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "A. P. Brand Catsup, Waples Plantation Company, Oklahoma, Texas, New Mexico."

It was alleged in the libel that the article was adulterated in that a product containing foreign starch, fibers, and gum had been substituted for catsup.

Misbranding was alleged for the reason that the statement on the label, "Catsup", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 23, 1934, the Waples Platter Co., having appeared as claimant for the property, the case was tried to the court, a jury trial having been waived. After hearing the evidence submitted on behalf of the Government and claimant, the court entered judgment for the Government and ordered that the product be relabeled to show the foreign starch, etc., and that claimant be required to file a bond in the sum of \$200, conditioned upon the proper relabeling of the product, and pay costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

22410. Adulteration and misbranding of prepared mustard. U. S. v. 33 Cases, et al. of Prepared Mustard. Default decrees of condemnation and forfeiture. Product disposed of by destruction, sale, or delivery to charitable institutions. (F. & D. nos. 31947, 32081, 32082, 32244, 32394, 32395, 32397, 32432, 32433, 32434, 32435, 32502, 32503, 32532, 32556. Sample nos. 50768, 50769, 50773, 68536, 68538, 68601-A, 68604 to 68668, incl., 68683, 68684, 68969 to 68973, incl.)

These cases involved interstate shipments of prepared mustard. Examination showed that all lots, with one exception, were short weight. The product in several cases was found to contain added mustard bran.

On March 6, 1934, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 83 cases of prepared mustard at Dothan, Ala. Subsequently there were filed in various Federal district courts libels against the following amounts of the product: On March 6 and 19, 1934, against 56 cases at Wilkes-Barre, Pa.; on March 19, 1934, against 118 cases at Pottsville, Pa.; on March 20, 1934, against 98 cases at Little Rock, Ark.; and on March 30, 1934, against 26 cases at Benton, Ark.; 64 cases at Russellville, Ark.; 42 cases at Morrilton, Ark.; 31 cases at Conway, Ark.; on April 4, 1934, against 12 cases at Dothan, Ala.; and 20 cases at Ozark, Ala.; on February 6 and April 11, 1934, against 194 cases at Little Rock, Ark., and on April 19, 1934, against 80 cases at Atkins, Ark. It was alleged in the libels that the article had been shipped in interstate commerce by the Mid-West Food Packers, Inc., from Fowlerton, Ind.; that the shipments had been made between the dates of June 2, 1933 and February 7, 1934, and that the article was misbranded and portions also were adulterated in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Golden Sun Brand [or "Mid-West Brand"] Pure Prepared Mustard. Contents 1 Lb. [Or "2 Lbs."] Made by Mid-West Food Packers, Inc., Fowlerton, Ind."

Adulteration was charged against portions of the article in that mustard bran had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Contents 1 Lb." with respect to certain lots, "Contents 2 lbs." with respect to certain lots, and "Prepared Mustard" with respect to certain other lots were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged against portions of the article for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged against all lots found short weight for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

No claimant appeared for the property. On April 19, 1934, the lot seized at Pottsville, Pa., was ordered condemned and destroyed. On April 26, 1934, one lot seized at Wilkes-Barre, Pa., was condemned and ordered relabeled and sold, and on or about May 7, 1934, the remaining lot at Wilkes-Barre, Pa., was condemned and ordered delivered to charitable institutions. On June 5, 1934, the product seized in the Middle District of Alabama was condemned and destroyed, and on June 14, 1934, similar decrees were entered against the cases instituted in the Eastern District of Arkansas.

M. L. WILSON, *Acting Secretary of Agriculture.*

22411. Misbranding of baking powder. U. S. v. 41 Cartons of Baking Powder. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32238. Sample no. 67063-A.)

Sample cans of baking powder taken from the shipment involved in this case were found to contain less than one half pound, the labeled weight.

On March 5, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cartons of baking powder at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce, on or about October 21, 1933, by the Manhattan Baking Powder Co., Inc., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "New and True Brand Baking Powder ½ Lb. Net Contents."

It was alleged in the libel that the article was misbranded in that the statement, "½ Lb. Net Contents", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 20, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to any public charitable or relief organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

22412. Adulteration of apple chops. U. S. v. 418 Sacks of Dried Apple Chops. Product released under bond to be cleaned. (F. & D. no. 32246. Sample no. 50549-A.)

This case involved a shipment of apple chops which were insect-infested and dirty.

On March 6, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 418 sacks of apple chops at Orrville, Ohio, alleging that the article had been shipped in interstate commerce, on or about November 29, 1933, by F. H. Hogue, from Payette, Idaho, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 4, 1934, the J. M. Smucker Co., Orrville, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it should not be disposed of in violation of the law. The article was reconditioned and reinspected and found to be properly cleaned.

M. L. WILSON, *Acting Secretary of Agriculture.*

22413. Adulteration of tomato catsup. U. S. v. 87 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32252, 32253. Sample nos. 69220-A, 69221-A, 69222-A.)

These cases involved interstate shipments of tomato catsup which contained excessive mold.

On March 7, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 cases of tomato catsup at Allentown, Pa., and 120 cases of tomato catsup at Easton, Pa., alleging that the article had been shipped in interstate commerce, between the dates of September 16 and 30, 1933, by Raab's Blue Ribbon Products, Inc., from Williamstown, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Aunt Ann's Catsup."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 27, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22414. Adulteration of canned tomato paste. U. S. v. 50 Cases and 50 Cases of Canned Tomato Paste. Default decrees of condemnation and destruction. (F. & D. nos. 32261-A, 32261-B. Sample nos. 68189-A, 68190-A.)

These cases involved shipments of tomato paste that contained excessive mold.

On March 7, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of tomato paste at Boston, Mass. On March 9, 1934, the United States attorney for the District of Rhode Island filed a libel against 50 cases of tomato paste at Providence, R. I. It was alleged in the libels that the article had been shipped in interstate commerce, on or about January 20, 1934, by the Italian Food Products Co., Inc., from Long Beach, Calif., and had been transported into the States of Massachusetts and Rhode Island, and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: (Can) "Campania Brand Concentrated Tomato Paste * * * Packed by Italian Food Products Co., Inc., Long Beach, California." The remainder was labeled: (Can) "Berta Brand Pure Tomato Paste * * * Packed for Alba Products Co., Boston, Mass."

The libels charged that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 7 and June 25, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22415. Misbranding of prepared mustard. U. S. v. 187 Cases of Mustard. Product released under bond to be relabeled. (F. & D. no. 32265. Sample no. 39326-A.)

Sample jars of mustard taken from the shipment involved in this case were found to contain less than 2 pounds, the labeled weight.

On March 10, 1934, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 187 cases of mustard at Columbia, S. C., alleging that the article had been shipped in interstate commerce, on or about February 12, 1934, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mid-West Brand Pure Prepared Mustard Contents 2 Lbs. Made by Mid-West Food Packers, Inc., Fowlerton, Ind."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 2 Lbs.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 19, 1934, no claim or answer having been filed, judgment of condemnation and destruction was entered. Subsequently the Britt-Johnson Co., Columbia, S. C., appeared and filed a bond and petitioned that the judgment be set aside and that petitioner be allowed to relabel the product. On April 25, 1934, the case was reopened and the court ordered that the product be released to the claimant, and that upon proof that it had been properly relabeled and upon payment of costs, the judgment of destruction be annulled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22416. Misbranding of canned vegetables. U. S. v. 68 Cases of Canned Vegetables. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32275. Sample no. 66584-A.)

Sample cans of vegetables taken from the shipment involved in this case were found to contain less than 15 ounces, the labeled weight.

On March 10, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 cases of canned vegetables at Denver, Colo., consigned by La Choy Food Products, Inc., Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about August 22 and November 25, 1933, from Detroit, Mich., and charging misbranding

in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Contents 15 Oz. La Choy * * * Vegetables La Choy Food Products, Inc. Detroit, Mich."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 15 Oz.", was false and misleading and deceived and misled the purchaser; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 3, 1934, La Choy Food Products, Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$549.44, conditioned in part that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22417. Misbranding of canned cherries. U. S. v. 10 Cases of Red Sour Pitted Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32286. Sample no. 44093-A.)

Sample cans of cherries taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 10, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of canned cherries at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about January 2, 1934, by the Alton Canning Co., Inc., from Alton, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Contents 1 lb. 4 ozs. * * * packed by Alton Canning Co., Alton, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 lb. 4 ozs.", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22418. Adulteration of dried peaches. U. S. v. 200 Boxes of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32290. Sample no. 48209-A.)

This case involved a shipment of dried peaches which contained dead worms, insect cocoons and webbing, worm holes, and insect excreta.

On March 9, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 boxes of dried peaches at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 3, 1934, by the Consolidated Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22419. Misbranding of beer. U. S. v. 750 Cartons of Misbranded Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32292. Sample no. 60461-A.)

This case involved a shipment of beer, samples of which were found to contain 6.25 percent of alcohol by volume. The article was misbranded since the term "12½%", which was prominently displayed on the main bottle label and neck label, conveyed the impression that the beverage contained 12½

percent of alcohol. It was further misbranded with regard to the statement "Over Twelve and one-half per cent Alcohol American Proof Spirits", appearing in small type on the main bottle label, and with regard to the statement on the cartons to the effect that it contained not more than 4 percent of alcohol.

On March 13, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 750 cartons of beer at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about February 26, 1934, by the Golden West Brewing Co., from Oakland, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Over 12½% Alcohol American Proof Spirits * * * Golden Glow 12½% Ale Golden West Brewing Co., Los Angeles, Oakland, San Francisco, California"; (carton) "Golden Glow Beer * * * Does not contain more than 4.0 per centum of alcohol by volume."

It was alleged in the libel that the article was misbranded in that the statement on the bottles, "Over Twelve and one-half per cent Alcohol American Proof Spirits", and on the cartons, "Does not contain more than four per centum of alcohol by volume", were false and misleading and tended to deceive and mislead the purchaser.

On April 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22420. Adulteration of tomato sauce. U. S. v. 200 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32300. Sample no. 67261-A.)

This case involved an interstate shipment of tomato sauce that was found to contain excessive mold.

On March 13, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of tomato sauce at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce, on or about January 20, 1934, by the Calliguria Food Products Corporation, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Moosalina Brand Tomato Sauce, Naples Style."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 11, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22421. Misbranding of apple butter. U. S. v. 23 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32302. Sample no. 65151-A.)

Sample jars of apple butter taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 13, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of apple butter at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 24, 1934, by the Glaser, Crandell Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bred Spred A Pure Product Apple Butter Net Wt. 11 oz."

It was alleged in the libel that the article was misbranded in that the statement "Net Wt. 11 oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22422. Adulteration and misbranding of catsup. U. S. v. 28 Cases of Catsup. Default decree of destruction. (F. & D. no. 32307. Sample no. 63668-A.)

This case involved a shipment of catsup that contained a foreign substance, slippery elm bark or some closely related substance.

On March 14, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of catsup at Ada, Okla., alleging that the article had been shipped in interstate commerce on or about October 11, 1933, by the Waples Platter Co., from Fort Worth, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Wapco Brand Catsup * * * Distributed by Waples Platter Company, Texas."

It was alleged in the libel that the article was adulterated in that slippery elm bark or some closely related substance had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the name "Catsup" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing slippery elm bark; and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 30, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22423. Adulteration of Brazil nuts. U. S. v. 13 Baskets of Brazil Nuts. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 32318. Sample no. 61620-A.)

This case involved a shipment of Brazil nuts which were in part moldy and decomposed.

On March 15, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 baskets of Brazil nuts at Billings, Mont., alleging that the article had been shipped in interstate commerce, on or about October 2, 1933, by the General Foods Sales Co., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "King Cole Jumbo Brite Brazil Nuts."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 16, 1934, no formal appearance or claim having been entered, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22424. Adulteration and misbranding of confectionery. U. S. v. 18 Boxes of Candy, et al. Default decrees of destruction. (F. & D. nos. 31976, 32296, 32322. Sample nos. 19086-A, 19087-A, 61566-A, 65032-A.)

These cases involved shipments of confectionery that contained alcohol. Certain lots were labeled, "Not a Confection", in an attempt to disclaim responsibility for shipment of confectionery containing spirituous liquor. One box of the product failed to bear a statement of the quantity of the contents.

On February 14, March 12, and March 15, 1934, the United States attorneys for the Eastern District of Michigan, the Northern District of Texas, and the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 18 boxes of candy at Saginaw, Mich., 29 boxes of confectionery at Lubbock, Tex., and 16 boxes of confectionery at Hopkinsville, Ky. It was alleged in the libels that the article had been shipped in interstate commerce, between the dates of January 10 and February 12, 1934, by the Berkshire Co., from Chicago, Ill., into the States of Michigan, Texas, and Kentucky, respectively, and that it was adulterated and portions were also misbranded in violation of the Food and Drugs Act as amended.

It was alleged in the libels that the article was adulterated under the provisions of the law applicable to confectionery, in that it contained spirituous liquor.

Misbranding was alleged with respect to two lots of the article in that the statement "Cordial Not a Confection", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged with respect to one box for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 16, May 22, and June 20, 1934, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22425. Misbranding of apple butter. U. S. v. 22 Cases of Apple Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 32333. Sample no. 58943-A.)

Sample jars of apple butter taken from the shipment in this case were found to contain less than the declared weight.

On March 17, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of apple butter at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about November 9, 1933, by A. H. Renehan & Son, from Sykesville, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Patapsco Brand Cont. 38 Ozs. Pure Apple Butter, A. H. Renehan & Son, Sykesville, Md."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Cont. 38 Ozs.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On April 26, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled with the statement, "Contents 2 Lbs. 4 Oz.", and sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22426. Misbranding of honey. U. S. v. 26 Cartons of Honey. Consent decree of condemnation and forfeiture. Product released under bond to be refilled to declared weight. (F. & D. no. 32337. Sample no. 66981-A.)

Sample jars of honey taken from the shipment involved in this case were found to contain less than 8 ounces, the labeled weight.

On March 19, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cartons of honey at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about August 16, 1933, by Preserves & Honey, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "H. & H. Pure Honey 8 Ounces Net Wt."

It was alleged in the libel that the article was misbranded in that the statement "8 ounces net wt.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 23, 1934, Preserves & Honey, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that the jars be filled so that they contain at least 8 ounces.

M. L. WILSON, *Acting Secretary of Agriculture.*

22427. Adulteration of tomato puree. U. S. v. 100 Cans of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32339. Sample no. 67369-A.)

This case involved an interstate shipment of tomato puree which was found to contain excessive mold.

On March 20, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cans of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 3, 1932, by the Marysville Packing Co. from Marysville, Ind., into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B. & O. Brand Puree of Tomatoes * * * Packed by Marysville Packing Co. Marysville, Ind."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22428. Misbranding of honey. U. S. v. 69% Cartons, et al., of Honey. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32342, 32406. Sample nos. 66979-A, 66985-A.)

Sample jars of honey taken from the shipments involved in these cases were found to contain less than the declared weight.

On March 9, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69% cartons of honey at Newark, N. J. On March 21, 1934, a libel was filed against 26 cartons of honey at Jersey City, which was subsequently amended to cover 29½ cartons of the product. It was alleged in the libels that the article had been shipped in interstate commerce, on or about August 24, 1933 and September 20, 1933, by Honey Packers, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Carlton Brand Cooperative Association, Cont. 20 Ozs. Pure Honey Newark Wholesale Grocery Co., Inc., Distributors, Newark, New Jersey." The remainder was labeled: "Filigree Brand Pure Honey Fancy Quality Net Weight 14 Ozs. Packed for Hudson Wholesale Grocery Co. Jersey City, N. J."

The libels charged that the article was misbranded in that the statements, "Cont. 20 Ozs." and "Net Weight 14 Ozs.", appearing on the labels, were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 11, 1934, the cases having been consolidated into one cause of action, and Honey Packers, Inc., claimant, having admitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22429. Misbranding of strawberry and raspberry preserves. U. S. v. 65 Cases and 52 Cases of Preserves. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32343. Sample nos. 65131-A, 65132-A.)

Sample jars of preserves taken from the shipments involved in this case were found to contain less than 2 pounds, the declared weight.

On March 17, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 cases of strawberry preserves and 52 cases of raspberry preserves at Milwaukee, Wis., alleging that the articles had been shipped in interstate commerce on or about August 16, September 1, and September 20, 1933, by Oelerich & Berry Co., from Chicago, Ill., and charging misbranding in violation of the Food and

Drugs Act as amended. The articles were labeled in part: "Hawkeye Brand, Net Weight, Two Lbs * * * Oelerich and Berry Co., Chicago, Ill."

It was alleged in the libel that the articles were misbranded in that the statement on the label, "Net Weight Two Lbs.", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On April 3, 1934, Oelerich & Berry, Inc., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bond in the sum of \$500, conditioned that they be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22430. Misbranding of pecan meats. U. S. v. 9¼ Cases of Funsten's Pecan Meats. Decree providing for release of product under bond or for destruction. (F. & D. no. 32344. Sample no. 61641-A.)

Sample cans of pecan meats taken from the shipment involved in this case were found to contain less than 8 ounces, the declared weight.

On March 17, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine and one-fourth cases of Funsten's pecan meats at Miles City, Mont., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, and November 27, 1933, by the R. E. Funsten Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Funsten's Shelled Pecans * * * Net weight eight oz."

It was alleged in the libel that the article was misbranded in that the statement "Net weight eight oz." was false and misleading and tended to mislead the purchaser since the contents of the package was less than 8 ounces. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a true statement of the quantity of the contents plainly and conspicuously marked on the outside of the package.

On May 23, 1934, no claim or answer having been filed, and the court having found that the allegations of the libel were true, judgment was entered ordering that the product might be released if claimant appear and pay costs and file a good and sufficient bond, conditioned that it would not be sold or disposed of in violation of the Food and Drugs Act; and upon failure to file said bond that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22431. Adulteration of tomato puree. U. S. v. 460 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32345. Sample no. 60864-A.)

This case involved a shipment of tomato puree that contained excessive mold.

On March 16, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 460 cases of tomato puree at Cincinnati, Ohio, consigned on or about November 14, 1933, alleging that the article had been shipped in interstate commerce by the Henryville Canning Co., from Henryville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Villa Tomato Puree * * * The Cincinnati Wholesale Grocery Co., Distributors."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22432. Adulteration of butter. U. S. v. 1 Box of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32353. Sample no. 62794-A.)

This case involved a shipment of butter that contained filth.

On February 14, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 box of

butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about January 31, 1934, by Powers Moore Co., from Negley, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, putrid, and decomposed animal substance.

On April 12, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22433. Misbranding of mayonnaise. U. S. v. 10 Cases of Mayonnaise. Default decree of destruction. (F. & D. no. 32407. Sample no. 39451-A.)

Sample jars of mayonnaise taken from the shipment involved in this case were found to contain less than 9 ounces, the labeled volume.

On March 23, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of mayonnaise at Augusta, Ga., alleging that the article had been shipped in interstate commerce, on or about February 9, 1934, by the Louisiana Baking Corporation, from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Betty-Lou Mayonnaise New Orleans, La. Net Weight Not less than 9 Ozs."

It was alleged in the libel that the article was misbranded in that the statement on the jar, "Net Weight Not less than 9 Ozs.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 18, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22434. Adulteration and misbranding of confectionery. U. S. v. 36 Boxes of Confectionery. Default decree of destruction. (F. & D. no. 32412. Sample no. 41269-A.)

This case involved a shipment of confectionery that contained alcohol. The article was labeled with a false, misleading, and deceptive statement that it was not a confection.

On March 21, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 boxes of confectionery at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about February 24, 1934, by the Midwest Candy Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Genuine Old Time Favorite Cordials Not a Confection."

It was alleged in the libel that the article was adulterated under the provisions of the law relative to confectionery, in that it contained spirituous liquor.

Misbranding was alleged under the provisions of the law relating to food, in that the statement, "Cordials, Not a Confection", was false and misleading and deceived and misled the purchaser.

On May 2, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22435. Misbranding of canned cherries. U. S. v. 50 Packages of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32421. Sample no. 60802-A.)

Sample cans of cherries taken from the shipment involved in this case were found to contain less than the weight declared on the label.

On April 9, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 packages, each containing six cans of cherries, at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about March 5, 1934, by the Paulus Bros. Packing

Co., from Salem, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Johnson's Bestovall Brand Choice Pitted Royal Anne Cherries Contents 6 Lbs. 14 Oz. H. A. Johnson Co., Boston and New York, Distributors."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Contents 6 Lbs. 14 Oz.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 20, 1934, Paulus Bros. Packing Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the deposit of cash bond in the sum of \$150, conditioned that it be properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22436. Adulteration and misbranding of milk chocolate coating. U. S. v. 510 Cases of Chocolate Coating. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32423. Sample nos. 47713-A, 48217-A.)

This case involved a product represented to be milk chocolate coating, in which skimmed milk solids had been substituted for whole milk solids.

On March 24, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 510 cases, each containing 5 ten-pound slabs of chocolate coating, at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about February 6 and March 6, 1934, by the Boldemann Chocolate Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Slab wrapper) "Boldemann's Sweet Coating Fernridge Milk Made by Boldemann Chocolate Co. San Francisco, U. S. A."

It was alleged in the libel that the article was adulterated in that a substance containing skimmed milk solids had been substituted for said article.

Misbranding was alleged for the reason that the statement on the slab wrapper, "Sweet Coating Fernridge Milk", was false and misleading and deceived and misled the purchaser when applied to chocolate coating which contained skimmed milk solids.

On April 19, 1934, the Boldemann Chocolate Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered. The court having found that the product might be relabeled to conform to the requirements of the law and that all costs of the proceeding had been paid, ordered that it be released to the claimant upon the execution of a bond in the sum of \$1,700, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22437. Misbranding of salad oil. U. S. v. 22 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable organizations. (F. & D. no. 32424. Sample no. 67425-A.)

This case involved a product that consisted largely of domestic cottonseed oil, but which was labeled to convey the impression that it was imported olive oil.

On March 27, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cans of salad oil at Stafford Springs, Conn., alleging that the article had been shipped in interstate commerce, on or about January 25, 1934, by P. Esposito & Bros., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "La Gloriosa Brand * * * La Gloriosa Packing Co., P. E. & B. Inc. N. Y."

It was alleged in the libel that the article was misbranded in that the statements, "La Gloriosa Brand", "Prize Awarded at Exhibition of Rome 1924", "Italy", and "Olio Finissimo", together with the designs of a crown, olive branches, and medal carrying the Italian national colors, appearing on the label, and the prominence given to the words "Lucca Olive Oil", in the statement on the label, "Pure and Delicious Oil Composed of Eighty Five Percent

Choice Salad Oil and Fifteen Percent Lucca Olive Oil", were misleading and deceived and misled the purchaser, in that they created the impression that the article was Italian olive oil, whereas it consisted largely of domestic cottonseed oil packed in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the court ordered that the United States marshal deliver the product to charitable organizations and destroy the containers.

M. L. WILSON, *Acting Secretary of Agriculture.*

22438. Adulteration and misbranding of tomato catsup. U. S. v. 6 Cases et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32425, 32478. Sample nos. 58944-A, 58945-A, 58948-A, 58949-A.)

These cases involved interstate shipments of two lots of bottled catsup and a number of jugs of catsup. Examination of samples of both lots of bottled catsup showed the presence of excessive mold. Examination of the product in jugs showed that the contents was less than 1 gallon, the purported volume.

On March 26, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 cases and 38 jugs of catsup at Hazleton, Pa. On April 2, 1934, a libel was filed in the Eastern District of Pennsylvania against 45 cases of catsup at Reading, Pa. It was alleged in the libels that the article had been shipped in interstate commerce, on or about August 14, August 31, and September 1, 1933, by Raab's Blue Ribbon Products Inc., from Williamstown, N. J., and that a portion was adulterated and the remainder misbranded in violation of the Food and Drugs Act as amended. The catsup contained in the jugs, and a part of the bottled catsup were labeled, "Blue Ribbon Brand Tomato Catsup * * * Raab's Blue Ribbon Products Incorporated Williamstown, N. J.", the jugs being further labeled, "Contents 14 Ozs", and (blown in the jug) "One Gallon." The remainder of the bottled catsup was labeled in part: "Ensslen's Brand Tomato Catsup * * * Rudolph Ensslen Sons * * * Reading, Pa."

It was alleged in the libels that the bottled catsup was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding of the portion of the product contained in jugs was alleged for the reason that the statements on the label, "Contents Fourteen Ozs.", as applied to a gallon-sized container and the statement blown in the jug, "One Gallon", were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On April 18 and April 27, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22439. Adulteration of egg colors. U. S. v. 52 Cartons, et al., of Egg Colors. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32429, 32452, 32453, 32455, 32457, 32458, 32472, 32476, 32477. Sample nos. 26841-A, 41319-A, 41349-A, 60905-A, 65686-A, 65688-A, 65689-A, 65818-A, 65819-A.)

These cases involved egg colors that contained lead chromate and Prussian blue pigments, both poisonous and deleterious ingredients.

On March 27, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cartons, each containing 36 packages of egg colors, at Minneapolis, Minn. On March 28, March 29, and March 30, 1934, libels were filed in various district courts against the following lots of egg colors: 60 dozen packages at Evanston, Ill.; 60 dozen packages at Oak Park, Ill.; 60 dozen packages at Chicago, Ill.; 612 packages at Dubuque, Iowa; 100 cartons at St. Louis, Mo.; 24 cabinets each containing 36 packages, at Columbus, Ind.; 14 of the said cabinets at Muncie, Ind.; and 16 cartons of the product at Springfield, Ill. It was alleged in the libels that the article had been shipped in interstate commerce by Rainbow Egg Colors, in part from

Menasha, Wis., and in part from Green Bay, Wis.; that the shipments had been made between the dates of January 26, 1934, and March 14, 1934; and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Rainbow Egg Colors Green Bay, Wis."

It was alleged in the libels that the article was adulterated in that it contained added deleterious ingredients, namely, lead chromate and Prussian blue pigments which might have rendered it injurious to health.

No claimant appeared for the property. Between the dates of April 25, 1934, and July 7, 1934, judgments of condemnation and forfeiture were entered in all cases, and the product was ordered destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22440. Adulteration of dried black grapes. U. S. v. 1,100 Cases of Dried Black Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32430. Sample no. 46816-A.)

This case involved an interstate shipment of dried black grapes which were found to be insect-infested.

On March 26, 1934, the United States attorney for the District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,100 cases of dried black grapes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 8, 1934, by the Federal Fruit Distributors, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. Amendments to the said libel were filed on March 27 and March 29, 1934. The article was labeled in part: "F B Co Inc New Orleans La 25 lbs net Dubon Brand Dried Zinfandel Black Grapes Distributed by Dubon Company Inc. New Orleans La., Quality California Raisins."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22441. Misbranding of apple butter. U. S. v. 448 Cases, et al., of Apple Butter. Decrees of condemnation and forfeiture. Portion of product released under bond; remainder destroyed. (F. & D. nos. 32438, 32439, 32504, 32505. Sample nos. 68804-A, 68805-A, 68820-A, 68821-A.)

Sample jars of apple butter taken from the shipments covered by these cases were found to contain less than the labeled weight.

On March 28 and April 5, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 710 cases of apple butter in various lots at Philadelphia, Reading, and Pottsville, Pa., alleging that the article had been shipped in interstate commerce, between the dates of January 31 and March 23, 1934, by A. H. Renehan & Son, from Sykesville, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Patapsco Brand Pure Apple Butter Cont. 38 Ozs. * * * A. H. Renehan & Son, Sykesville, Md."

It was alleged in the libels that the article was misbranded in that the statement on the label, "Cont. 38 Ozs.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 5 and April 11, 1934, A. H. Renehan & Sons, having appeared as claimant in three of the cases involving 666 cases of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product covered by the said cases be released to the claimant upon payment of costs and the deposit of collateral in the amount of \$900, conditioned that it be relabeled under the supervision of this Department. On June 12, 1934, no claim having been entered in the remaining case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 9 cases of the product seized under the libel be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22442. Adulteration and misbranding of potatoes. U. S. v. 101 Sacks and 185 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32441. S. no. 65059-A.)

This case involved a shipment of potatoes represented to be United States grade No. 1, which were below the grade specified because of excessive grade defects.

On or about April 2, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 296 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 16, 1934, by the Northern Potato Co., from Mosinee, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. Grade No. One The Original Northern Brand Potatoes, * * * Antigo Potato Co., Antigo, Wisconsin Shippers."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statement on the label, "U. S. Grade No. One", was false and misleading and deceived and misled the purchaser.

On April 3, 1934, F. E. Baldwin, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22443. Adulteration and misbranding of cherry-, grape-, and strawberry-flavored sirups. U. S. v. 225 Cases of Cherry Flavored Syrup, et al. Consent decree of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. no. 32448. Sample nos. 66972-A to 66976-A, incl.)

This case involved products which were represented to consist of fruit flavored sirups and which were found to be artificially flavored and colored.

On March 28, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 225 cases of cherry-flavored sirup, 148 cases of grape-flavored sirup, and 148 cases of strawberry-flavored sirup, at Hoboken, N. J., alleging that the articles had been shipped in interstate commerce, on or about June 30, 1933, by the Snaider Syrup Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "American House Cherry [or "Grape" or "Strawberry"] Flavored Syrup * * * American Grocery Co. Distributors, Hoboken, N. J."

It was alleged in the libel that the articles were adulterated in that artificially flavored and colored imitation cherry, grape, and strawberry sirups, had been substituted for the articles. Adulteration was alleged for the further reason that the articles had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the respective labels, "Cherry", "Grape", and "Strawberry", as applied to artificially flavored and colored imitation sirups, were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the articles were imitations of other articles, and were offered for sale under the distinctive names of other articles.

On April 10, 1934, the Snaider Syrup Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the labels be removed and new labels affixed which complied with the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22444. Adulteration of egg colors. U. S. v. 3 Gross Packages, et al., of Simplex Egg Color Set. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32462, 32496, 32530. Sample nos. 65431-A, 68753-A, 7004-A, 7005-A.)

These cases involved egg colors that contained excessive lead.

On March 29, April 4, and April 11, 1934, the United States attorneys for the Eastern District of Pennsylvania, the Eastern District of Michigan, and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the respective district courts, libels praying seizure and condemnation of 8 gross and 55 packages or cards, each containing a set of egg colors in various lots, at Philadelphia, Pa., Detroit, Mich., and Newark, N. J., alleging that the article had been shipped in interstate commerce between the dates of March 17 and March 29, 1934, by the Nu-Dell Manufacturing Co., Inc., or the Nu-Dell Products Co., Inc., in part from Chicago, Ill., and in part from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Simplex Egg Color Set"; certain of the cards were further labeled, "Nu-Dell Mfg. Co., Inc. Chicago."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous and deleterious ingredient, namely, lead, which might have rendered it injurious to health.

On April 27, June 9, and June 25, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22445. Adulteration of egg colors. U. S. v. 10 Gross Packages of Egg Coloring Sets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32463. Sample no. 68834-A.)

This case involved egg colors that contained lead, a poisonous and deleterious ingredient, in an amount that might have rendered the article injurious to health.

On March 29, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gross packages of egg coloring sets at West Lawn, Pa., alleging that the article had been shipped in interstate commerce, on or about March 13, 1934, by C. H. Dockson Co., from Detroit, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Artone Easter-Egg Complete Coloring Set Manufactured by Artone Sales Company, * * * Detroit, Mich."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead.

On April 27, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22446. Misbranding of canned sweetpotatoes. U. S. v. 460 Cases of Canned Sweetpotatoes. Product released under bond to be relabeled. (F. & D. no. 32465. Sample no. 61574-A.)

This case involved a product labeled candied sweetpotatoes which was found to consist of mashed sweetpotatoes. Examination also showed that the product was short weight.

On or about March 29, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 460 cases of canned sweetpotatoes at Sweetwater, Tex., alleging that the article had been shipped in interstate commerce, on or about February 5, 1934, by Barnette & Sibelle, from Sunset, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pecan Valley Brand Sweet Potatoes prepared with Cane Sugar and Corn Syrup Average Net Weight One Lb. Seven Ozs. Delicious Candied Sweet Potatoes Distributed by Walker Smith Co., Main Office Brownwood, Texas."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Candied Sweet Potatoes", as applied to mashed sweetpotatoes, and "Average net Weight one lb. seven ozs.", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for

the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 18, 1934, the Walker-Smith Co., a Texas corporation, claimant, having admitted that the product was misbranded, and having executed a bond in the sum of \$500, conditioned that the labels be corrected to meet the requirements of the Federal Food and Drugs Act, the court ordered that the goods be released to the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

22447. Misbranding of salad oil. U. S. v. 68 Cans and 64 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable organizations. (F. & D. no. 32528. Sample nos. 67449-A, 67450-A.)

This case involved a product which consisted largely of domestic cottonseed oil, but which was labeled to convey the impression that it was imported olive oil.

On April 13, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about November 18, 1933, by the Import Oil Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Samaritana Brand [or "Cardinale Brand"] Oil Tipo Lucca * * * Packed by Import Oil Corp."

It was alleged in the libel that a portion of the article was misbranded in that the statements, "Samaritana Brand Oil", "Tipo Lucca", "Import Oil Corp.", together with the design of olive trees and figure of woman bearing a jar suggesting a jar of olive oil, borne on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it consisted largely of domestic cottonseed oil. Misbranding of the remainder of the article was alleged for the reason that the statements, "Cardinale Brand Oil", "Tipo", "Import Oil Corp." together with designs of olive branches, borne on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it consisted largely of domestic cottonseed oil, and this impression was not corrected by the inconspicuous statement on the label, "High Grade Vegetable Oil with Flavor." Misbranding of the product in both lots was alleged for the further reason that it purported to be a foreign product when not so.

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the court ordered that the United States marshal deliver the product to charitable organizations and destroy the containers.

M. L. WILSON, *Acting Secretary of Agriculture.*

22448. Adulteration and misbranding of oil. U. S. v. 26 Cans of Alleged Olive Oil. Default decree of condemnation. Product distributed to charitable organizations. (F. & D. no. 32558. Sample no. 67348-A.)

This case involved a product labeled to convey the impression that it was imported olive oil. Examination showed that the article consisted largely of domestic cottonseed oil, and that the cans contained less than the labeled volume.

On April 18, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cans of alleged olive oil at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce, on about October 2, 1933, by F. Bentwegna from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Italian Produce Sublime Olive Oil Imported by Acomo Fo Lucca."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been substituted wholly or in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Italian Produce Sublime Olive Oil Lucca Imported The Olive Oil contained in this can is pressed from fresh picked high grown fruit Net Contents One Gallon", were false and misleading and tended to deceive and mislead the purchaser since it consisted largely of domestic cottonseed oil and was

short of the declared volume. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article; for the further reason that it purported to be a foreign product, when not so; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the court ordered that the United States marshal deliver the product to charitable organizations and destroy the containers.

M. L. WILSON, *Acting Secretary of Agriculture.*

22449. Misbranding of canned pears. U. S. v. 110 Cases of Canned Pears. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32583. Sample no. 66602-A.)

Sample cans of pears taken from the shipment involved in this case were found to contain less than the labeled weight.

On April 26, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 cases of canned pears at Denver, Colo., consigned by the National Fruit Canning Co., alleging that the article had been shipped in interstate commerce, on or before February 12, 1934, from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Extra Quality Brimfull Brand Bartlett Pears. Contents 1 lb. 14 Oz. H. A. Marr Grocery Co., Distributors, Denver, Colo."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 lb. 14 oz.", was false and misleading and tended to deceive and mislead the purchaser.

On April 26, 1934, the National Fruit Canning Co., Seattle, Wash., having appeared as claimant for the property, and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22450. Adulteration of butter. U. S. v. 17 Cartons and 3 Cartons of Butter. Default decree of forfeiture and destruction. (F. & D. no. 32617. Sample nos. 68636-A, 68637-A.)

This case involved interstate shipments of butter that contained filth.

On February 26, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cartons of butter at National Stock Yards, Ill., alleging that the article had been shipped in interstate commerce by Swift & Co., in part from Springfield, Mo., January 9, 1934, and in part from Sedalia, Mo., January 17, 1934, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was a filthy product unfit for consumption as food.

On March 30, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22451. Adulteration of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32618. Sample no. 67377-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On March 19, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 tubs of butter at New York, alleging that the article had been shipped in interstate commerce, on or about March 8, 1934, by the Nebraska Cooperative Creamery Co., Omaha, Nebr., in a pool car shipment, this lot having been shipped by the Newman Grove Cooperative Creamery, Newman Grove, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On March 27, 1934, S. & W. Waldbaum, Inc., New York, N. Y., claimant having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the deposit of \$500 cash collateral or the execution of a bond in like amount, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22452. Adulteration and misbranding of butter. U. S. v. 126 Pounds of Print Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32619. Sample no. 64391-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On March 23, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 126 pounds of print butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 19, 1934, by the Oregon Creamery, from Oregon, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled "Butter", which was false and misleading.

On May 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22453. Adulteration of butter. U. S. v. 14 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32621. Sample no. 66116-A.)

This case involved a shipment of butter that was low in milk fat and contained foreign substances, namely, cow hairs, rodent hairs, insect legs, pieces of insects, whole insects, and larvae.

On January 5, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 tubs of butter at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about December 9, 1933, from the City Baking Co. Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "No. 1 Ladles 64 Lbs. The J. W. Buffington Co., Baltimore."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On January 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22454. Adulteration of butter. U. S. v. 11 Cubes and 21 Cubes of Butter. Consent decrees of condemnation. Product released under bond to be reworked. (F. & D. nos. 32625, 32631. Sample nos. 1107-A, 52780-A, 52806-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent of milk fat.

On March 8 and April 2, 1934, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 32 cubes

of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about February 26 and March 24, 1934, by the Farmers Cooperative Creamery, from Payette, Idaho, and charging adulteration in violation of the Food and Drugs Act. One lot of the article was labeled: "Union A Grade 68 Lbs. Net to be Graded No. 54 A 11." The other lot was labeled: "Sunshine Cry. Baker, Ore. 68# A Gr. No. to be Graded 80 A 6" [or "81 A 6" or "82 B 9"].

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On March 15 and April 6, 1934, the Farmers Cooperative Creamery, an Idaho corporation, claimant, having admitted the allegations of the libel and consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$550, conditioned that it would not be disposed of in violation of the law. On March 22 and April 16, 1934, the product in both lots having been reworked to the legal standard, the bonds were ordered exonerated.

M. L. WILSON, *Acting Secretary of Agriculture.*

22455. Adulteration and misbranding of butter. U. S. v. 87 Boxes and 78 Boxes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 32626. Sample nos. 68224-A, 68238-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 4, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 boxes each containing 32 pound prints, and 78 boxes each containing 16 pound prints of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce, from Providence, R. I., on or about March 29, 1934, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product had been originally shipped in interstate commerce into the State of Rhode Island and was reshipped to Buffalo, N. Y., by the original consignee under instructions of the owner, Bridgeman Russell Co., Inc. The pound cartons were labeled in part: "Ferncrest Creamery * * * Packed Especially for Cooper & Sisson, Inc., Providence, R. I., * * * Butter."

It was alleged in the libel that the article was adulterated in that it showed a material deficiency in butterfat content.

Misbranding was alleged for the reason that the label "Butter" was false and misleading, since it contained less than 80 percent of milk fat.

On April 24, 1934, the Bridgeman Russell Co., Inc., Buffalo, N. Y., having intervened and filed a claim as owner of the product, and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned that it be reworked so that it comply with the law. In pronouncing judgment the court handed down the following memorandum opinion (Knight, D. J.):

"Shipper requests release of seizure under usual conditions for reconditioning. The memoranda furnished the court show that heretofore a number of seizures have been made of butter shipped by this company found to be low in fat. Because of these prior seizures, the court with some reluctance, grants this application for release. I grant the application with caution to this shipper that greater care should be used in its test of its products. I make this memorandum with the additional purpose that it may be considered by any court in which any violation in connection with the goods shipped may be prosecuted."

M. L. WILSON, *Acting Secretary of Agriculture.*

22456. Adulteration of butter. U. S. v. 24 Cases of Butter. Default decree of destruction. (F. & D. no. 32627. Sample no. 39347-A.)

This case involved a shipment of butter that was found to contain fragments of flies, feathers, mold, and other foreign substances.

On or about March 29, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed

in the district court a libel praying seizure and condemnation of twenty-four 30-pound cases of butter at Savannah, Ga., alleging that the article had been shipped in interstate commerce, on or about March 1, 1934, by Armour Creameries, from Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Spring Brook Brand Creamery Butter * * * Distributed by Armour Creameries, General Offices, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance.

On April 27, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22457. Adulteration and misbranding of butter. U. S. v. 4 Boxes of Butter. Default decree of forfeiture and destruction. (F. & D. no. 32629. Sample nos. 58210-A, 58211-A.)

This case involved a shipment of alleged butter that was found to consist of colored oleomargarine.

On March 31, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four boxes of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce, by Swift & Co. (Mar. 23 and Mar. 29, 1934), from Hartford, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Country Roll Creamery Butter."

It was alleged in the libel that the article was adulterated in that oleomargarine had been substituted for butter, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, "Butter."

On April 30, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22458. Adulteration of tullibeas. U. S. v. 4 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32634. Sample no. 67937-A.)

This case involved an interstate shipment of fish that were infested with worms.

On March 30, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four boxes of tullibeas at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 28, 1934, by Frontie Parker, from Williams, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Frontie Parker."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy animal substance, and in that it consisted of portions of animals unfit for food.

On April 26, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22459. Adulteration of butter. U. S. v. 12 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be re-worked. (F. & D. no. 32636. Sample no. 67944-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On April 10, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 boxes of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about March 28, 1934, by the Farmers Cooperative Creamery Association, from New Ulm, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On April 24, 1934, the Farmers Cooperative Creamery Association, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be reworked to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

22460. Adulteration and misbranding of butter. U. S. v. 71 Pounds of Print Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32637. Sample no. 64371-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat. Sample packages taken from the shipment were also found to contain less than 1 pound, the labeled weight.

On March 6, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 pounds of butter at Harvey, Ill., alleging that the article had been shipped in interstate commerce, on or about February 24, 1934, by the Hoosier State Creamery, from Rensselaer, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hoosier Maid Butter One Pound Net * * * Rensselaer, Indiana."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat. Misbranding was alleged for the further reason that the statement on the label, "One Pound Net", was false and misleading, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On April 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22461. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32638. Sample no. 67366-A.)

This case involved an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On March 9, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 1, 1934, from the Alta Vista Farmers Creamery Association, Alta Vista, Iowa., for the Fredericksburg Butter Factory, Fredericksburg, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On March 16, 1934, the Fredericksburg Butter Factory, Fredericksburg, Iowa, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22462. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32639. Sample no. 67386-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On March 22, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 10, 1934, by the East Chain Creamery Association, East Chain, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

On March 27, 1934, the East Chain Cooperative Creamery Association, Fairmont, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22463. Adulteration of butter. U. S. v. 91 Cases of Butter. Default decree of destruction. (F. & D. no. 32642. Sample nos. 61979-A, 61980-A.)

This case involved a shipment of butter that was found to contain mold, flies, ants, beetles, roaches, and other extraneous matter.

On February 23, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce, on or about February 1, 1934, by the Carthage Creamery Co., from Carthage, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Morrell's Yorkshire Farm Brand Creamery Butter."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 4, 1934, no claimant having appeared for the property, and the court having found that the product was unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22464. Adulteration of butter. U. S. v. 1 Tub of Packing Stock Butter. Default decree of destruction. (F. & D. no. 32643. Sample no. 69045-A.)

A sample of butter taken from the shipment involved in this case was found to contain filth.

On March 24, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of packing-stock butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 8, 1934, by the Checotah Creamery Co., from Checotah, Okla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 27, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22465. Adulteration of butter. U. S. v. 1 Barrel of Packing Stock Butter. Default decree of destruction. (F. & D. no. 32644. Sample no. 69042-A.)

A sample of butter taken from the shipment involved in this case was found to contain filth.

On March 24, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of one barrel of packing-stock butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 8, 1934, by Pennington Produce Co., from Greenville, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 7, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22466. Adulteration of butter. U. S. v. 6 Tubs of Packing Stock Butter. Default decree of destruction. (F. & D. no. 32645. Sample no. 69044-A.)

A sample of butter taken from the shipment involved in this case was found to contain filth.

On March 24, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six tubs of packing-stock butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 12, 1934, by the Beatrice Creamery Co., from Topeka, Kans., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 27, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22467. Adulteration of butter. U. S. v. 30 Pounds of Packing Stock Butter. Default decree of destruction. (F. & D. no. 32646. Sample no. 69041-A.)

A sample of butter taken from the shipment involved in this case was found to contain filth.

On March 24, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 pounds of packing-stock butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 10, 1934, by H. C. Dryden, from Harper, Kans., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid animal substance.

On May 7, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22468. Adulteration of butter. U. S. v. 1 Can of Packing Stock Butter. Default decree of destruction. (F. & D. no. 32648. Sample no. 69047-A.)

A sample of butter taken from the shipment involved in this case was found to contain filth.

On March 24, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of packing-stock butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 12, 1934, by C. N. Green & Bro., from Cameron, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid animal substance.

On May 7, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22469. Adulteration of butter. U. S. v. 9 Tubs of Packing Stock Butter.
(F. & D. no. 32649. Sample no. 69043-A.)

A sample of butter taken from the shipment involved in this case was found to contain filth.

On March 24, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine tubs of packing-stock butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 9, 1934, by Liebermann Produce Co., from Oklahoma City, Okla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of filthy, decomposed, or putrid animal substance.

On May 7, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering it destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22470. Adulteration and misbranding of butter. U. S. v. Two Tubs Containing Butter. Default decree of destruction. (F. & D. no. 32650. Sample no. 69014-A.)

A sample of butter taken from the shipment involved in this case was found to contain less than 80 percent of milk fat. The article was not labeled with a statement of the quantity of the contents.

On March 23, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two tubs of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 22, 1934, by St. Mary's Creamery, from St. Mary's, Kans., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress approved March 4, 1923.

Misbranding was alleged for the reason that the article failed to bear a plain and conspicuous statement of the net weight.

On June 27, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and misbranded, and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22471. Adulteration of butter. U. S. v. 29 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. no. 32651. Sample no. 66093-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On February 21, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about February 8, 1934, by the Webster Cooperative Dairy Association, from Webster, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On March 2, 1934, the Webster Cooperative Dairy Association, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22472. Adulteration of butter. U. S. v. 3,076 Pounds of Packing Stock Butter. Default decree of destruction. (F. & D. no. 32652. Sample no. 69039-A.)

A sample of butter taken from the shipment involved in this case was found to contain filth.

On March 17, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,076 pounds of packing-stock butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 3, 1934, by Bonham Poultry & Egg Co., from Bonham, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid animal substance.

On June 27, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22473. Adulteration and misbranding of butter. U. S. v. 200 Pounds of Butter. Default decree of destruction. (F. & D. no. 32653. Sample no. 60874-A.)

This case involved a shipment of butter that contained mold and that was also found to contain less than 80 percent of milk fat.

On March 29, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 pounds of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce (Mar. 20, 1934), by R. Pierce, from Huntington, W. Va., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the article purported to be. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy animal or vegetable substance.

Misbranding was alleged for the reason that the article was sold as and purported to be butter, wherein it contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 29, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22474. Adulteration of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32840. Sample no. 67952-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On April 16, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 tubs of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about April 6, 1934, by the North Star Creamery Co., from Kenyon, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On April 27, 1934, the North Star Creamery Co., having appeared through an agent as claimant, and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be reworked so that it comply with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

22475. Adulteration of canned salmon. U. S. v. Red Salmon Canning Co.
Plea of guilty. Fine, \$25. (F. & D. no. 31506. Sample nos. 25233-A, 25235-A, 25236-A, 25237-A, 25238-A, 25241-A.)

This case was based on a shipment of canned salmon, samples of which were found to be tainted or stale.

On May 1, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Red Salmon Canning Co., a corporation, San Francisco, Calif., alleging shipment by said company, on or about August 8, 1932, from Alaska into the State of California, of a quantity of canned salmon which was adulterated. The article was labeled in part: "Jack Frost Brand [or "Lucile Brand" or "Rising Light Brand"] * * * Packed by Red Salmon Canning Co., at Bristol Bay * * * Alaska."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On May 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

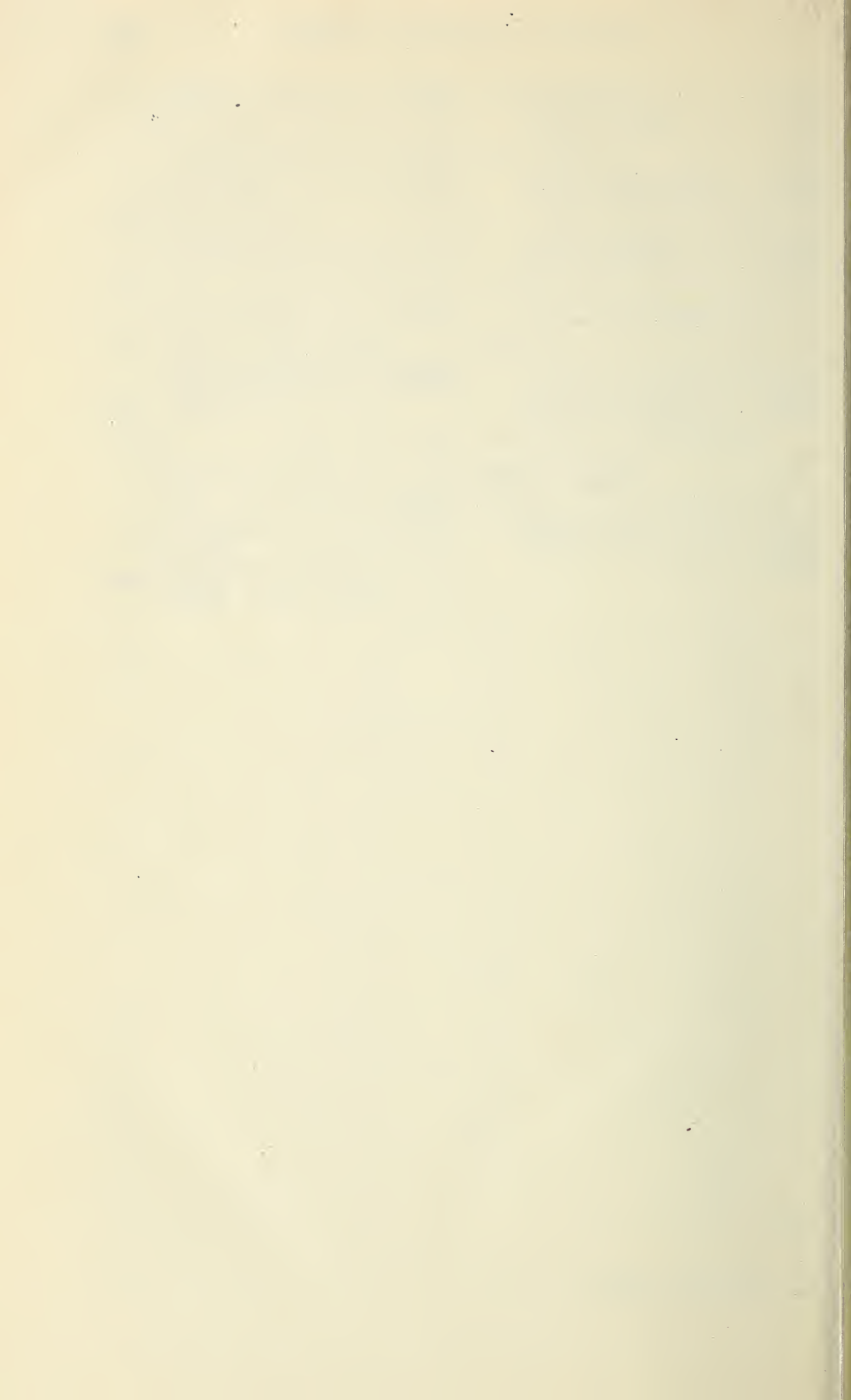
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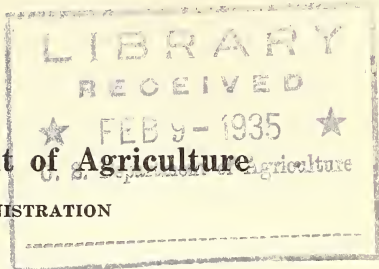
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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

22476-22575

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 22, 1934]

22476. Adulteration and misbranding of butter. U. S. v. Mountain States Creamery. Plea of guilty. Fine, \$40. (F. & D. no. 31437. Sample nos. 24284-A, 29531-A, 29532-A, 29535-A, 29537-A, 29635-A, 29713-A, 29717-A, 36173-A.)

This case was based on several interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On May 5, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mountain States Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, on or about October 11, 1932, April 13, May 2, May 4, May 6, July 25, and July 28, 1933, from the State of Utah into the State of California, of quantities of butter which was adulterated and misbranded. One shipment of the article was in the form of cubes, labeled "Butter." The remaining shipments consisted of print butter labeled in part, variously: "Mountain Maid Creamery Butter * * * Mountain States Creamery Co. Salt Lake City, Utah"; "Young's Special Butter * * * Put up for Young's Market Company"; "Swift's Premium Quality Brookfield Butter * * * Swift & Company, * * * Chicago."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which contained 80 percent by weight of milk fat, whereas it was not butter since it contained less than 80 percent by weight of milk fat.

On May 11, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$40.

M. L. WILSON, *Acting Secretary of Agriculture.*

22477. Adulteration of strawberry preserves. U. S. v. Pacific Food Products Co. Plea of guilty. Fine, \$75 and costs. (F. & D. no. 31445. Sample nos. 22729-A, 31067-A.)

This case was based on an interstate shipment of strawberry preserves, samples of which were found to be moldy or decomposed.

On March 19, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pacific Food Products Co., a corpora-

tion, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 3, 1933, from the State of Washington into the State of California, of a quantity of strawberry preserves which were adulterated. The article was labeled in part: (Jar) "Sunny Jim Brand * * * Pure Strawberry Preserves, Mfg. By Pacific Food Products Co., Seattle, Washington."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 7, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22478. Adulteration of tullibeas. U. S. v. Booth Fisheries Co. Plea of guilty. Fine, \$500. (F. & D. no. 31455. Sample nos. 26414-A, 26415-A.)

This case was based on interstate shipments of tullibeas that were infested with worms.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Booth Fisheries Co., a corporation, trading at Warroad, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 28 and September 16, 1932, from the State of Minnesota into the State of Maryland, of quantities of tullibeas which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy animal substance; and in that it consisted in part of portions of animals unfit for food, i. e., it was badly infested with worms embedded in cysts.

On May 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$500.

M. L. WILSON, *Acting Secretary of Agriculture.*

22479. Adulteration of noodles. U. S. v. Mrs. Quong Choy and Leong Sung (Republic Noodle Factory). Pleas of guilty. Fines, \$200. (F. & D. no. 31459. Sample no. 27946-A.)

This case was based on a shipment of noodles which contained artificial color and excessive moisture.

On May 9, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Quong Choy, trading with another as the Republic Noodle Factory, San Francisco, Calif., and Leong Sung, of San Francisco, Calif., an employee of said firm, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about January 23, 1933, from the State of California into the State of Oregon, of a quantity of noodles which were adulterated. The article was labeled in part: "Republic Noodle Factory * * * San Francisco, Cal. Hung Far Low Portland, Ore."

It was alleged in the information that the article was adulterated in that it was an article inferior to plain noodles, and which contained excessive moisture and was artificially colored with tartrazine, a coal-tar dye, so as to simulate the appearance of plain noodles and in a manner whereby its inferiority to plain noodles was concealed.

On May 11, 1934, the defendants entered pleas of guilty, and the court imposed a fine of \$100 on each.

M. L. WILSON, *Acting Secretary of Agriculture.*

22480. Misbranding of dried buttermilk. U. S. v. Land O'Lakes Creameries, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 31478. Sample no. 17794-A.)

This case was based on a shipment of a product represented to be dried buttermilk containing not less than 5 percent of crude fat. Examination showed that the article consisted in whole or in part of skim-milk powder, and contained less than 5 percent of crude fat.

On April 11, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Land O'Lakes Creameries, Inc., a corporation, trading at Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 8, 1932, from the State of Pennsylvania into the State of Maryland, of a quantity of dried

buttermilk which was misbranded. The article was labeled in part: (Tag) "Dried Buttermilk Guaranteed Analysis * * * Crude Fat not less than 5% * * * From Land O'Lakes Creameries, Inc. * * * Minneapolis, Minnesota."

It was alleged in the information that the article was misbranded in that the statements, "Dried Buttermilk" and "Guaranteed Analysis * * * Crude Fat, not less than 5%", borne on the label, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not dried buttermilk, but was dried skimmed milk, and it contained less than 5 percent of crude fat. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, dried buttermilk.

On May 22, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22481. Adulteration of butter. U. S. v. Carbon County Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 31480. Sample nos. 29170-A, 29684-A.)

This case was based on shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On April 7, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carbon County Creamery Co., a corporation, Red Lodge, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 5, 1933, from the State of Montana into the State of California, and on or about June 19, 1933, from the State of Montana into the State of Washington (destination subsequently changed to Los Angeles, Calif.), of quantities of butter which was adulterated. The article was labeled in part: "T. B. Klock & Co., J. C. Seattle, Wn."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as defined by the act of Congress of March 4, 1923, which the article purported to be.

On May 2, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22482. Adulteration and misbranding of tomato paste. U. S. v. Marlboro Canning Corporation. Plea of guilty. Fine of \$200 on each of two counts. Sentence suspended on count II. (F. & D. no. 31487. Sample no. 32598-A.)

This case was based on a shipment of tomato paste which was insufficiently concentrated and which contained excessive mold.

On May 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marlboro Canning Corporation, Marlboro, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 19, 1932, from the State of New York into the State of Florida, of a quantity of tomato paste which was adulterated and misbranded. The article was labeled in part: (Can) "Lola Brand Tomato Paste * * * Salsa Di Pomodoro * * * Packed in U. S. A. By The Marlboro Canning Corp. Marlboro, N. Y."

It was alleged in the information that the article was adulterated in that a product deficient in tomato solids, i. e., an insufficiently concentrated strained tomato product, had been substituted for tomato paste, which the article purported to be; and for the further reason that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements, "Tomato Paste" "Salsa Di Pomodoro", borne on the can label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was tomato paste, whereas it was not, but was an insufficiently concentrated strained tomato product containing less tomato solids than tomato paste.

On May 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200 on each of the two counts of the information, and suspended sentence on the second count.

M. L. WILSON, *Acting Secretary of Agriculture.*

22483. Alleged misbranding of butter. U. S. v. Peter Hernig Sons, Inc. Plea of nolo contendere. Judgment of not guilty. (F. & D. no. 31488. Sample no. 43261-A.)

This case involved a shipment of butter which was alleged to be short weight.

On April 18, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Peter Hernig Sons, Inc., a corporation, trading at Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 19, 1933, from the State of Pennsylvania into the State of New Jersey, of a quantity of butter which was misbranded. The article was labeled in part: (Parchment wrapper) "One Pound Net."

It was alleged in the information that the article was misbranded in that the statement on the label, "One Pound Net", was false and misleading and tended to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity of the contents was less than 1 pound, and said amount was not stated on the package; and in that some of the packages contained not more than 15.22 ounces and the average net weight for all of the packages examined was not more than 15.57 ounces.

On May 22, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court entered judgment of not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

22484. Misbranding of olive oil. U. S. v. Chicago Macaroni Co. Plea of guilty. Fine, \$50. (F. & D. no. 31489. Sample no. 40909-A.)

Sample bottles of olive oil taken from the shipment on which this case was based were found to contain less than 6 ounces, the labeled volume.

On April 10, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chicago Macaroni Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1933, from the State of Illinois into the State of Minnesota, of a quantity of olive oil which was misbranded. The article was labeled in part: (Bottle) "Pure Imported Olive Oil Contents 6 Oz. Packed for Independent Grocers Alliance Distributing Co., Chicago, Illinois."

It was alleged in the information that the article was misbranded in that the statement "Contents 6 Oz.", borne on the bottle label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the bottles contained less than 6 ounces of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22485. Adulteration and misbranding of butter. U. S. v. Farmers Equity Cooperative Creamery Association. Plea of guilty. Fine, \$250. (F. & D. no. 31495. Sample no. 23365-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On April 2, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmers Equity Cooperative Creamery Association, a corporation, trading at Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 20, 1933, from the State of Colorado into the State of California, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Silverbrook Pasteurized Creamery Butter. A. & P."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent

by weight of milk fat as defined and required by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as defined and required by the said act of Congress.

On May 29, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

M. L. WILSON, *Acting Secretary of Agriculture.*

22486. Adulteration and misbranding of butter. U. S. v. Carstens Packing Co. Plea of guilty. Fine, \$150 and costs. (F. & D. no. 31501. Sample no. 31198-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat, and that was not labeled to show the quantity of the contents of the packages.

On May 9, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carstens Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 23, 1933, from the State of Washington into the Territory of Alaska, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Diamond T—C Brand Pasteurized Butter * * * This butter is guaranteed by the Carstens Packing Co."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the package, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the said act of Congress, whereas it contained less than 80 percent of milk fat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 28, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22487. Adulteration of evaporated apples. U. S. v. Edward Welkley (Welkley Bros.). Plea of guilty. Fine, \$25. (F. & D. no. 31509. Sample nos. 35117-A, 35118-A.)

This case was based on an interstate shipment of evaporated apples. A sample taken from the product was found to contain mouse and rat excreta; a second sample contained dirty pieces, and showed evidence of storage-insect infestation and some orchard-insect infestation.

On April 16, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edward Welkley, a member of a partnership trading as Welkley Bros., Medina, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 13, 1933, from the State of New York into the State of Ohio, of a quantity of evaporated apples which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 16, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22488. Adulteration of apple butter. U. S. v. D. B. Scully Syrup Co. Plea of guilty. Fine, \$50. (F. & D. no. 31512. Sample no. 33962-A.)

This case was based on an interstate shipment of apple butter. samples of which were found to be contaminated with insects.

On May 1, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the D. B. Scully Syrup Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 13, 1932, from the State of Illinois into the State of Michigan, of a quantity of apple butter which was adulterated. The article was labeled in part: "Scully's Pure Apple Butter * * * Packed by D. B. Scully Syrup Co., Chicago, Ill."

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22489. Adulteration of apples. U. S. v. Clyde H. Harris (Harris Cold Storage). Plea of guilty. Fine, \$50. (F. & D. no. 31515. Sample no. 29448-A.)

This case was based on an interstate shipment of apples that were found to bear arsenic and lead in an amount that might have rendered them injurious to health.

On May 16, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clyde H. Harris, trading as Harris Cold Storage, Freewater, Oreg., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 5, 1933, from the State of Oregon into the State of California, of a quantity of apples which were adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 24, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22490. Adulteration and misbranding of butter. U. S. v. Thomas D. Rider (Dunlap Creamery Co.). Plea of guilty. Fine, \$2 and costs. (F. & D. no. 31529. Sample no. 40638-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat, and that was not labeled to show the quantity of the contents of the packages.

On April 30, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas D. Rider, trading as the Dunlap Creamery Co., Dunlap, Iowa, alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about June 9, 1933, from the State of Iowa into the State of Illinois, of a quantity of butter which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 22, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$2 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22491. Misbranding of canned cherries. U. S. v. 175 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. no. 31617. Sample no. 56289-A.)

This case involved a shipment of canned cherries which contained excessive pits and which were not labeled to indicate that they were substandard.

On or about December 8, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cases of canned cherries at Fort Worth, Tex., alleging that the article had been shipped

in interstate commerce, on or about July 21, 1933, by F. B. Huxley & Son, from Ontario, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Huxson Brand Pitted Red Cherries in Water, Packed by F. B. Huxley & Son, Ontario, N. Y."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it contained excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 22, 1934, F. B. Huxley & Son, Ontario, N. Y., having appeared as claimant for the property, and having admitted the allegations of the libel, a decree was entered ordering that the product be released to the claimant upon the execution of a bond in the sum of \$500, conditioned that it be relabeled to meet the requirements of this Department, and that claimant pay costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

22492. Adulteration of dried peaches. U. S. v. 350 Boxes of Dried Peaches. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31658. Sample no. 45371-A.)

This case involved a shipment of dried peaches that were found to contain insect larvae, insect and mouse excreta, and wormholes.

On or about December 7, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 boxes of dried peaches at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 10, 1933, by the California Prune & Apricot Growers Association, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Yellow Ribbon Yellow Peaches Packed by California Prune & Apricot Growers Assn., San Jose, California."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 18, 1934, the California Prune & Apricot Growers Association, San Jose, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it should not be disposed of until it had been brought into compliance with the law and inspected and approved by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22493. Adulteration of canned tomatoes. U. S. v. 375 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond for separation and destruction of unfit portion. (F. & D. no. 31701. Sample no. 62662-A.)

Samples of canned tomatoes taken from the shipment in this case were found to contain maggots.

On December 9, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 375 cases of canned tomatoes at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about October 10, 1933, by Wm. Silver & Co., from Pocomoke, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pine Cone Brand Tomatoes."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 1, 1934, Robert H. Jones, trading as the Somerset Packing Co., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the entire lot be examined and the cans found containing bad tomatoes destroyed, and that those cans found upon reinspection to be good be released.

M. L. WILSON, *Acting Secretary of Agriculture.*

22494. Misbranding of table sirup. U. S. v. 8 Cases of White Table Sirup. Default decree of condemnation and destruction. (F. & D. no. 31797. Sample no. 41980-A.)

This case involved a shipment of sirup which was misbranded since the label bore a false and misleading statement relative to the quantity of the contents, and since it was food in package form and the quantity of the contents was not stated plainly and conspicuously on the package, as required by law—the statement of weight appearing on the label being incorrect.

On January 3, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cases of table sirup at Billings, Mont., alleging that the article had been shipped in interstate commerce, on or about August 8, 1933, by the Wheeler-Barnes Co., from Minneapolis, Minn., in violation of the Food and Drugs Act.

It was alleged in the libel that the article was in violation of the said act in that the can label bore the statements, "Stones White Table Syrup Contents Two Lbs. Eight Oz.", whereas the cans contained less than 2 pounds and 8 ounces.

On March 8, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22495. Adulteration and misbranding of mayonnaise. U. S. v. 26 Cases, et al., of Mayonnaise. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31816, 31985, 31986. Sample nos. 18223-A, 18224-A, 50770-A, 50771-A, 50772-A.)

These cases involved shipments of alleged mayonnaise which was deficient in fat, the samples examined containing but little more than one-half the amount of fat contained in mayonnaise which meets the definition and standard. The article contained a considerable amount of starch and water solution, also an unpermitted yellow coal-tar dye which concealed the presence of the starch solution and gave the product the appearance of containing more egg yolk than was present. The containers failed to bear on the label a plain and conspicuous statement of the quantity of the contents.

On January 8 and February 15, 1934, the United States attorney for the Middle District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 133 cases of mayonnaise, in part at Dothan, Ala., and in part at Andalusia, Ala., alleging that the article had been shipped in interstate commerce between the dates of September 22 and October 24, 1933, by the Louisiana Baking Corporation, from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Betty Lou Mayonnaise Delivered Fresh Daily New Orleans, La., Net Weight Not Less than 3 Ozs. [or "9 Ozs.]."

It was alleged in the libel that the article was adulterated in that starch and water had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength; in that an article containing less fat than mayonnaise contains, and containing starch, water, and artificial yellow color, had been substituted for mayonnaise; and in that it was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Mayonnaise", was false and misleading and deceived and misled the purchaser, since the product was not mayonnaise; for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statements made were inconspicuous, and in two lots were incorrect because the container was of 16-ounce size while the jar was labeled "Net Weight Not Less than 3 Ozs."

On March 8, March 27, and June 5, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22496. Adulteration of evaporated apples. U. S. v. A Quantity of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond to be cleaned. (F. & D. no. 31885. Sample nos. 50500-A, 50526-A, 50527-A.)

This case involved shipments of evaporated apples that were found to be in part insect-infested and dirty.

On January 27, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,245 sacks of evaporated apples at Urbana, Ohio, alleging that the article had been shipped in interstate commerce, in various shipments, on or about November 25, 27, and 28, 1933, by the Gilbert Apple Products Co., Inc., of Rochester, N. Y., in part from Fancher, N. Y., and in part from Albion, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 5, 1934, the W. H. Marvin Co., Urbana, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product could be cleaned so that it would comply with the requirements of the law, ordered that it be released to the claimant to be cleaned under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$6,000.

M. L. WILSON, *Acting Secretary of Agriculture.*

22497. Adulteration and misbranding of dried apricots. U. S. v. 10 Cases of Dried Apricots. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 31889. Sample no. 39410-A.)

This case involved a shipment of dried apricots that contained excessive moisture and undeclared sulphur dioxide.

On January 27, 1934, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of dried apricots at York, S. C., alleging that the article had been shipped in interstate commerce, on or about December 20, 1933, by the Consolidated Packing Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Superior Brand Selected California Standard Apricots Packed by Consolidated Packing Co., San Francisco, California."

It was alleged in the libel that the article was adulterated in that dried apricots containing excessive water and sulphur dioxide had been substituted for dried apricots.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, since the content of sulphur dioxide was not declared on the label.

On May 7, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be turned over to a charitable institution if found to be sound and wholesome. The marshal's return showed that the product was in good condition and had been delivered to a local charity.

M. L. WILSON, *Acting Secretary of Agriculture.*

22498. Misbranding of apple butter. U. S. v. 18 Cases of Apple Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 31935. Sample no. 65003-A.)

Sample jars of apple butter taken from the shipment in this case were found to contain less than 2 pounds, the labeled weight.

On February 3, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of apple butter at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce, on or about November 22, 1933, by the Allison Bedford Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents two lbs.

Perfect P Brand Fancy Apple Butter Packed for A. H. Perfect & Co., Fort Wayne, Ind."

It was alleged in the libel that the article was misbranded in that the statement on the label representing that the jars contained 2 pounds of apple butter, was false and misleading and deceived and misled the purchaser, since they contained substantially less than 2 pounds. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously stated on the label, since the statement made was incorrect.

On May 4, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be labeled, "Net Weight 1 Lb. 15 Oz." and sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22499. Adulteration and misbranding of canned shrimp. U. S. v. 80 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 31938. Sample no. 38518-A.)

This case involved a shipment of canned shrimp which was in part decomposed. The article was also falsely labeled as to the name of the packer.

On February 2, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 cases of shrimp at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about September 2, 1933, by the Braun Canning Co. (also known as Gulf Foods, Inc.), from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ready Lunch Brand Shrimp, * * * Packed by Gulf Foods, Inc., Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement on the label, "Packed by Gulf Foods, Inc.", was false and misleading and deceived and misled the purchaser, since it was packed by De Jean Packing Co., Biloxi, Miss.

On May 29, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22500. Adulteration of canned shrimp. U. S. v. 65 Cases of Canned Shrimp. Default decree of destruction. (F. & D. no. 31944. Sample no. 50361-A.)

This case involved a shipment of canned shrimp which was in part decomposed.

On February 5, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 cases of canned shrimp at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about December 2, 1933, by the Gussie Fountain Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Johnson's Choice Brand Shrimp * * * Packed by Gulf Coast Canneries, Incorporated, Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 3, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22501. Adulteration and misbranding of peanut butter. U. S. v. 9 Cases of Peanut Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31945. Sample no. 58662-A.)

This case involved a shipment of peanut butter which was represented to be vitaminized. The label claimed that 3 teaspoonfuls of the article contained as much vitamin D as 1 teaspoonful of cod-liver oil, whereas tests showed that three teaspoonfuls were not equal to one-fourth teaspoonful of cod-liver oil as a source of vitamin D.

On February 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of nine cases of peanut butter at Norristown, Pa., alleging that the article had been shipped in interstate commerce, on or about September 27, 1933, by the Williamson Candy Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Monogram Brand Peanut Butter."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the following statements appearing on the jar label and in a circular were false and misleading: (Jar) "Vitaminized Contains 250 units Vitamin D Per Pound"; (circular) "The guarantee of 250 units in each pound of our product is assured by careful laboratory tests each month and these tests are subject to investigation by the Government and accepted by them. * * * Vitaminized Contains 250 Units Vitamin D Per Pound * * * Vitamin D * * * builds straight fine bodies and good teeth. The ordinary diet contains enough Vitamins * * * but Vitamin D, the sunshine vitamin, is not present in ordinary foods. * * * Three teaspoonfuls of our peanut butter contains as much Vitamin D as one teaspoon of cod liver oil."

On May 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22502. Misbranding of canned cherries. U. S. v. 91 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. no. 32077. Sample no. 61553-A.)

This case involved a shipment of substandard canned cherries which were not properly labeled.

On March 3, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 cases of canned cherries at Amarillo, Tex., alleging that the article had been shipped in interstate commerce, on or about January 11, 1931 (1934), by the Green Bay Food Co., from Green Bay, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Interurban Pitted Red Cherries the J. M. Paver Co., Main Office Chicago."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because the liquid portion read below 16° Brix, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 10, 1934, the Carlton-Florey Grocery Co., Inc., Amarillo, Tex., claimant, having admitted that the product was misbranded and having executed a bond in the sum of \$200, conditioned that the label would be corrected to meet the requirements of this Department, judgment was entered ordering that the product be released, and that claimant pay costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

22503. Adulteration and misbranding of confectionery. U. S. v. 18 Dozen Boxes of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32237. Sample no. 51679-A.)

This case involved a shipment of confectionery consisting of a chocolate-covered cream center containing a glace cherry and sirup. The cream center and cherry were artificially colored and flavored and contained benzoate of soda.

On March 5, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 dozen boxes of confectionery at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, by the Sphinx Chocolate Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sphinx Cordial Cherries."

It was alleged in the libel that the article was adulterated in that artificially flavored and colored cherries containing benzoate of soda had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Cordial Cherries", was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing undeclared added benzoate of soda and artificial color and flavor.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22504. Misbranding of salad oil. U. S. v. 23 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32245. Sample no. 67413-A.)

This case involved a shipment of a product consisting principally of cottonseed oil, the label of which created a false impression through the prominence given to the statement, "Pure Olive Oil", which impression was not corrected by the declaration that the remainder of the product was vegetable oil, since olive oil is a vegetable oil. Sample cans taken from the shipment were found to contain less than 1 gallon, the labeled volume.

On March 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about January 16, 1934, by Gerald-Dorman, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can, main panel) "Oil Red Star Olio Finissimo Per Insalata Vegetable Oil 85% Colored and Flavored with 15% Pure Olive Oil Packed by Gerald-Dorman, Inc. Contents one gallon net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Olio Finissimo Per Insalata Vegetable Oil 85% Colored and Flavored with 15%", followed by the very prominent statement "Pure Olive Oil" was false and misleading and deceived and misled the purchaser when applied to an article consisting chiefly of cottonseed oil; for the further reason that since olive oil is a vegetable oil, the expression "Vegetable Oil 85%" on the label did not set forth the presence of an oil other than olive; for the further reason that the statement, "Contents one gallon net", was false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22505. Adulteration of apple butter. U. S. v. 150 Cartons of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32272. Sample no. 66951-A.)

This case involved a shipment of apple butter that contained arsenic and lead in an amount that might have rendered it injurious to health.

On March 9, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cartons of apple butter at Orange, N. J., alleging that the article had been shipped in interstate commerce, on or about September 30, 1933, by the American Stores Co., from Hurlock, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Glenwood Brand Apple Butter * * * Distributed by American Stores Company, Phila., Pa."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22506. Adulteration of evaporated apples. U. S. v. 50 Boxes of Evaporated Apples. Default decree of destruction. (F. & D. no. 32276. Sample no. 41244-A.)

This case involved a shipment of evaporated apples which contained mice and rat excreta and were insect-infested and otherwise dirty.

On March 8, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 boxes of evaporated apples at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about February 2, 1934, by Welkley Bros., from Rochester, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Western New York Evaporated Apples * * * Packed by Welkley Bros. Rochester, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 8, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22507. Adulteration of tomato paste. U. S. v. 249 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32277. Sample nos. 67251-A, 67814-A.)

This case involved a shipment of tomato paste that contained excessive mold.

On March 17, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 249 cases of tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about December 23, 1933, by the West Coast Packing Corporation, from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Semano Brand * * * Tomato Paste Distributors—Seeman Bros. Inc. New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22508. Misbranding of relishes. U. S. v. 200 Cases of Arcadia Sweet Relish, et al. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32278. Sample nos. 38470-A, 38471-A, 38472-A.)

Sample jars of relishes taken from the shipment in this case were found to contain less than 8 ounces, the weight declared on the labels.

On March 8, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,200 cases of relishes at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce on or about January 15, 1934, by Kirgans Arcadia Farms, Inc., of Cincinnati, Ohio, from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended.

The articles were labeled in part: "Arcadia Sweet Relish" [or "Pepper Relish" or "Hot Relish"] Net Wet. Eight oz. avd."

It was alleged in the libel that the articles were misbranded in that the statement "Net Weight Eight Oz. Avd." was false and misleading and tended to deceive and mislead the purchaser, and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the statement made was incorrect.

On March 21, 1934, the West Coast Gouley Burcham Co., Ltd., Los Angeles, Calif., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the products be released to the claimant for relabeling under the supervision of this Department upon the execution of a bond in the sum of \$200, conditioned that it should not be disposed of in violation of the law and that claimant pay costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

22509. Adulteration and misbranding of fruit-flavored sirups. U. S. v. 30 Cases of Strawberry Flavored Sirup, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32287. Sample nos. 51979-A, 51982-A.)

This case involved a shipment of strawberry-, and lemon- and lime-flavored sirups which were found to consist of imitation sirups artificially flavored, the lemon and lime being also artificially colored.

On March 12, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of strawberry-flavored sirup and 30 cases of lemon and lime sirup at Elizabeth, N. J., alleging that the articles had been shipped in interstate commerce on or about July 24, 1933, by the Snaider Syrup Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Snaider's American Brand * * * Strawberry Flavored Syrup [or "Lemon & Lime"] Snaider Syrup Corp. * * * Brooklyn, N. Y."

It was alleged in the libel that the articles were adulterated in that an artificially flavored imitation strawberry sirup had been substituted for strawberry flavored sirup and in that an artificially colored and flavored lemon and lime sirup had been substituted for lemon- and lime-flavored sirup. Adulteration was alleged for the further reason that the strawberry-flavored sirup was mixed in a manner whereby inferiority was concealed, and the lemon and lime sirup was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Strawberry" and "Lemon & Lime", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that they were imitations of other articles and were offered for sale under the distinctive names of other articles.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22510. Misbranding of salad oil. U. S. v. 28 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32288. Sample no. 67416-A.)

This case involved a product consisting chiefly of cottonseed oil which was labeled to create the impression that it was olive oil.

On March 12, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary, filed in the district court a libel praying seizure and condemnation of 28 cans of salad oil at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about January 20, 1934, by the Saporito Product Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Marca Catania Best and Purest of Virgin Oil * * * Lucca Type. Packed by Saporito Product Co., Brooklyn, N. Y."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Marca Catania Best and Purest of Virgin Oil * * * Lucca Type", were false and misleading and tended to deceive and mislead the purchaser since they created the impression that the product was olive oil, whereas it consisted chiefly of cottonseed oil with little or no olive oil.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22511. Misbranding of tomato juice. U. S. v. 23 Cases of Tomato Juice. Decree of forfeiture with provision for release under bond. (F. & D. no. 32293. Sample no. 66774-A.)

Sample cans of tomato juice taken from the shipment in this case were found to contain less than 20 ounces, the labeled volume.

On March 10, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of tomato juice at Billings, Mont., alleging that the article had been shipped in interstate

commerce, on or about January 16, 1934, by the Pleasant Grove Canning Co., from Orem, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Utah Valley Brand Tomato Juice Contents 20 Oz. Packed by Pleasant Grove Canning Co., Pleasant Grove, Orem, Utah."

It was alleged in the libel that the article was misbranded in that the statement on the label that the cans contained 20 ounces of the product, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 23, 1934, no claimant having appeared for the property, a decree of forfeiture was entered and it was ordered by the court that the product might be released if a claimant appeared within 10 days, paid costs of the proceedings, and filed a bond conditioned that it would not be disposed in violation of the law; otherwise that it be destroyed. On July 2, 1934, judgment of condemnation was entered.

M. L. WILSON, Acting Secretary of Agriculture.

22512. Misbranding of canned peas. U. S. v. 120 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32299. Sample no. 62093-A.)

This case involved a shipment of canned peas that fell below the standard established by this Department because of the presence of excessive mature peas, and which were not labeled to indicate that they were substandard.

On March 12, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 cases of canned peas at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about January 13, 1934, by the G. L. Webster Canning Co., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Cheriton Brand * * * Early June Peas Packed by G. L. Webster Canning Co., Incorporated, Cheriton, Virginia."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of excessive mature peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On April 5, 1934, the Guy L. Webster Co., Inc., Cheriton, Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$125, conditioned that it be relabeled so as to conform to the requirements of the Federal Food and Drugs Act.

M. L. WILSON, Acting Secretary of Agriculture.

22513. Adulteration of tomato paste. U. S. v. 35 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32319. Sample no. 65092-A.)

This case involved a shipment of tomato paste that contained excessive mold.

On March 16, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of canned tomato paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about January 22, 1934, by the Empire Freight Co. (invoiced by the Italian Food Products Co., Long Beach, Calif.) from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Il Duomo Brand Concentrate Di Pomodoro."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

22514. Misbranding of canned bean sprouts. U. S. v. 22 Cases of La Choy Bean Sprouts. Decree of forfeiture. Product ordered destroyed.
(F. & D. no. 32321. Sample no. 61612-A.)

Sample cans of bean sprouts taken from the shipment in this case were found to contain less than 15 ounces, the labeled weight.

On March 16, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of canned bean sprouts at Billings, Mont., alleging that the article had been shipped in interstate commerce, on or about September 8, 1933, by the Morey Mercantile Co., from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 15 Ounces La Choy Bean Sprouts * * * La Choy Food Products Inc., Detroit, Mich."

It was alleged in the libel that the article was misbranded in that the statement, "Contents Fifteen Ounces" borne on the label, was false and misleading and tended to mislead the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 23, 1934, no claimant having appeared, a decree of forfeiture was entered ordering that the product be destroyed unless taken down under bond within 10 days. On July 2, 1934, the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22515. Misbranding of cocoa. U. S. v. 22 Cases of Cocoa. Default decree of condemnation and forfeiture. Product delivered to a charitable organization. (F. & D. no. 32399. Sample no. 65088-A.)

Sample cans of cocoa taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight.

On March 21, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of cocoa at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 4, 1934, by the K. B. Chocolate Co., from Bay City, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Truworth * * * Pure Cocoa * * * K. B. Chocolate Co., Bay City, Michigan Net Weight One Pound."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight One Pound", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On May 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

22516. Misbranding of olive oil. U. S. v. 20 Cans and 17 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction.
(F. & D. no. 32341. Sample nos. 67417-A, 67418-A.)

Sample cans of olive oil taken from the shipment in this case were found to contain less than the labeled volume.

On March 19, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 gallon cans and 17 half-gallon cans of olive oil at Hoboken, N. J., alleging that the article had been shipped in interstate commerce, on or about September 6, 1933, by Cellas', Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Cellas' Brand Pure Virgin Olive Oil One Gallon [or "One Half Gallon"] Labrocel Packing Co., New York."

It was alleged in the libel that the article was misbranded in that the statements on the respective labels, "One Gallon" and "One Half Gallon", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package

form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22517. Misbranding of process butter. U. S. v. 13 Cases of Process Butter. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32369. Sample no. 55695-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight.

On January 18, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of process butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, on or about January 9, 1934, by the Cloverleaf Butter Co., from Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Cloverleaf Brand Process Butter Manufactured by Cloverleaf Butter Company * * * Birmingham, Alabama."

It was alleged in the libel that the article was misbranded in that the statement on the carton, "One Pound", was false and misleading and deceived and misled the purchaser, since the cartons contained less than 1 pound of butter.

On May 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

22518. Misbranding of apple butter. U. S. v. 24 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32392. Sample no. 50626-A.)

Sample jars of apple butter taken from the shipment involved in this case were found to contain less than 2 pounds, the labeled weight.

On March 19, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of apple butter at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce, on or about February 13, 1934, by the Goodwin Preserving Co., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Ko-We-Ba Brand with pure apple cider, contents 2 lbs. pure Apple Butter."

It was alleged in the libel that the article was misbranded in that the statement "Contents 2 lb.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22519. Misbranding of salad oil. U. S. v. 18 and 23 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32409. Sample nos. 67422-A, 67423-A.)

This case involved quantities of a product consisting chiefly of cottonseed oil which was labeled to create a misleading impression because of the prominence given the statement "Pure Olive Oil." Sample cans taken from both lots were found to be short volume.

On March 21, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 alleged gallon cans and 23 alleged half-gallon cans of salad oil at Newark, N. J., alleging that the

article had been shipped in interstate commerce, on or about March 6, 1934, by Gerald-Dorman, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Oil Red Star Olio Finissimo * * * Packed by Gerald-Dorman, Inc. Contents One Gallon Net [or "Contents Half Gallon Net"]."

It was alleged in the libel that the article was misbranded in that the statements on the gallon size, "Olio Finissimo Per Insalata Vegetable Oil 85% Colored and Flavored with 15%", followed by the very prominent statement "Pure Olive Oil," and the statements on the half-gallon size, "Olio Finissimo Per Insalata Salad Oil Flavored Slightly with", followed by the very prominent statement, "Pure Olive Oil", were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was olive oil, whereas it consisted chiefly of cottonseed oil. Misbranding was alleged for the further reason that the statements on the respective labels, "Contents One Gallon Net" and "Contents Half Gallon Net", were false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On May 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22520. Adulteration of Spanish olives. U. S. v. 24 Dozen Jars of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32415. Sample no. 66987-A.)

Samples of olives taken from the shipment involved in this case were found to be wormy.

On March 22, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 dozen jars of olives at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about February 9, 1934, by Mawer-Gulden-Annis, Inc., from Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "La Sevillana Spanish Olives 1 Pt. 10 fluid oz. Mawer-Gulden-Annis, Inc., New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22521. Adulteration and misbranding of confectionery. U. S. v. 86 Packages of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32420. Sample no. 66851-A.)

This case involved a shipment of confectionery that contained alcohol. The article was also mislabeled since it was labeled "Not a Confection."

On April 9, 1934, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 86 packages of confectionery at Roswell, N. Mex., alleging that the article had been shipped in interstate commerce, on or about March 2, 1934, by the Schultz Candy Co., from Oak Park, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chokicks Cordials Not a Confection Tower Products * * * Chicago" or "Cordials Not a Confection."

It was alleged in the libel that the article was adulterated under the provisions of the law applicable to confectionery, in that it contained spirituous liquor.

Misbranding, under the provisions of the law applicable to food, was alleged for the reason that the statement "Cordials Not a Confection", was false and misleading and tended to deceive and mislead the purchaser.

On May 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22522. Adulteration of apple butter. U. S. v. 55 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32535. Sample no. 60828-A.)

This case involved an interstate shipment of apple butter that contained arsenic and lead in amounts that might have rendered it injurious to health.

On or about April 12, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cases, each containing six cans of apple butter, at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about March 1, 1934, by the Pacific Northwest Canning Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Paul's Skookum Apple Butter Distributories, Pacific Northwest Canning Co."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22523. Adulteration of olives. U. S. v. 13 Cases and 10 Cases of Olives. Default decree of condemnation and destruction. (F. & D. no. 32437. Sample nos. 61925-A, 62026-A.)

Samples of olives taken from the shipment involved in this case were found to be wormy.

On March 27, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of olives at Jackson, Miss., alleging that the article had been shipped in interstate commerce, on or about May 20, 1933, by Leverton & Co., from Houston, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "World Over Brand Olives * * * Imported and Packed by Leverton and Company. Houston, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On May 11, 1934, no claimant having appeared for the property, judgment was entered condemning the property and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22524. Adulteration of canned tomato puree. U. S. v. 11 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32446. Sample no. 67389-A.)

This case involved an interstate shipment of canned tomato puree which contained excessive mold.

On March 29, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 3, 1932, by Marysville Packing Co., from Marysville, Ind., and charging adulteration in violation of the Food and Drugs Act as amended. The article was labeled in part: "B. & O. Brand Puree of Tomatoes * * * Packed by Marysville Packing Co., Marysville, Indiana."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22525. Adulteration of canned prunes. U. S. v. 198 Cases and 94 Cases of Canned Prunes. Decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32324, 32464. Sample nos. 41307-A, 54778-A, 56443-A, 67270-A.)

These cases involved shipments of canned prunes that were found to be in part decomposed.

On March 19 and March 29, 1934, the United States attorneys for the Southern District of New York and the District of Minnesota, acting upon reports by the

Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 198 cases of canned prunes at New York, N. Y., and 94 cases of canned prunes at St. Paul, Minn., alleging that the article had been shipped in interstate commerce, by Paulus Bros. Packing Co., from Salem, Oreg., the former on or about February 1, 1934, and the latter on or about February 16, 1934, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Blue Tag [or "White Tag"] Fresh Oregon Prunes * * * Paulus Bros. Packing Co., Salem, Oregon."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 14, 1934, no claimant having appeared in the case instituted in the District of Minnesota, judgment was entered ordering that the product be destroyed. On May 21, 1934, the claimant having consented to the entry of a decree in the remaining case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22526. Misbranding of tomato soup. U. S. v. 41 Cases of Tomato Soup. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32466. Sample no. 66591-A.)

Sample cans of soup taken from the shipment involved in this case were found to contain less than 1 pound and 11 ounces, the labeled weight.

On April 2, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cases of tomato soup at Denver, Colo., consigned by the Ladoga Canning Co., alleging that the article had been shipped in interstate commerce on or about March 1, 1934, from Ladoga, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ladoga Brand Tomato Soup. Contents 1 lb. 11 oz. Packed by Ladoga Canning Co. Main Office Indianapolis, Indiana."

It was alleged in the libel that the article was misbranded in that the statement "1 lb. 11 oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On May 29, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

22527. Misbranding of canned spinach. U. S. v. 124 Cases of Canned Spinach. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32471. Sample no. 66592-A.)

Sample cans of spinach taken from the shipment involved in this case were found to contain less than the labeled weight.

On April 2, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cases of canned spinach at Denver, Colo., consigned by the California Sanitary Co., Ltd., Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about February 7, 1934, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Solitaire Spinach, Net weight 6 Lb. 4 Oz., 2.83 Kilograms."

It was alleged in the libel that the article was misbranded in that the statements, "Net Weight 6 lb. 4 oz.—2.83 Kilograms", were false and misleading. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 15, 1934, the Morris Bros. Brokerage Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22528. Misbranding of canned blackberries. U. S. v. 172 Cases of Canned Blackberries. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32474. Sample nos. 52372-A, 69012-A.)

Sample cans of blackberries taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 30, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 172 cases of canned blackberries at Wichita, Kans., alleging that the article had been shipped in interstate commerce, on or about December 2, 1933, by the Ray-Maling Co., Inc., from Hillsboro, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Always Good Brand Blackberries, The Lehmann Higginson Grocer Company Distributors, Wichita, Kansas, Contents 6 lbs. 8 oz."

It was alleged in the libel that the article was misbranded in that the statement "Contents 6 lbs. 8 oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than declared.

The Lehmann-Higginson Grocery Co., Wichita, Kans., appeared as claimant for the property, admitted the allegations of the libel, and executed a bond in the sum of \$250, conditioned that the product be relabeled under the supervision of this Department. On April 11, 1934, judgment of condemnation was entered and the court having found that the product had been properly relabeled, ordered that it be released to the claimant upon payment of costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

22529. Misbranding of apple butter. U. S. v. 14 Cases and 16 Cases of Apple Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32480, 32481. Sample nos. 67780-A, 68813-A.)

Sample jars of apple butter taken from the shipments involved in these cases were found to contain less than 38 ounces, the labeled weight.

On April 2, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 cases of apple butter at Newark, N. J., and 16 cases of apple butter at Vineland, N. J., alleging that the article had been shipped in interstate commerce on or about January 23, 1934, and March 1, 1934, by A. H. Renehan & Son from Sykesville, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Patapasco Brand Pure Apple Butter Cont. 38 Ozs. A. H. Renehan & Son, Sykesville, Md."

It was alleged in the libels that the article was misbranded in that the statement on the label, "Cont. 38 Ozs.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect and was not made in terms of the largest unit contained in the package.

On May 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22530. Adulteration of ripe olives. U. S. v. 10 Barrels, et al., of Ripe Olives. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32489, 32490. Sample nos. 58847-A, 58848-A, 58849-A.)

These actions involved a shipment of ripe olives that were found to be in part moldy.

On April 2 and April 3, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 barrels of ripe olives at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about February 11, 1934, by the V. R. Smith Olive Co., from Lindsay, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 10, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22531. Misbranding of chocolates. U. S. v. 58 Boxes of Chocolates. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32492. Sample no. 66998-A.)

Sample boxes of chocolates taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight.

On April 2, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 boxes of chocolates at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about November 17, 1933, by Lillian Clare Chocolates, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Lillian Clare Chocolates 1 Lb. Net."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On May 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22532. Misbranding of canned pitted cherries. U. S. v. 1,000 Cases of Canned Pitted Cherries. Default decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32519. Sample no. 38497-A.)

This case involved a shipment of canned pitted cherries which fell below the standard established by this Department because of the presence of excessive pits and which were not labeled to indicate that they were substandard.

On April 9, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned pitted cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 4, 1934, by the Comstock Canneries, Inc., from Newark, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cata Red Sour Pitted Cherries Water Pack * * * Guaranteed and Distributed by Red Creek Canning Company, Red Creek, N. Y."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of the presence of excessive pits, and its package or label did not bear a plain and conspicuous statement as prescribed by regulation of this Department, indicating that it fell below such standard.

On May 2, 1934, the Comstock Canneries, Inc., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$2,500, conditioned that it would not be sold or otherwise disposed of in violation of the law. On May 11, 1934, the product having been relabeled, final decree was entered releasing the bond and taxing costs against the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

22533. Adulteration of canned sweetpotatoes. U. S. v. 60 Cases of Canned Sweetpotatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32540. Sample nos. 67260-A, 67792-A.)

This case involved a shipment of canned sweetpotatoes which were under-processed and in a state of active decomposition.

On April 15, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cases of canned sweetpotatoes at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about November 27, 1933, by Pappas Bros. & Gillies, from Egg Harbor, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "The Famous Royal Scarlet Brand Sweet Potatoes In Syrup * * * R. C. Williams & Co., Inc. Distributors, New York."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22534. Adulteration of canned shrimp. U. S. v. 240 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 32546. Sample nos. 66351-A, 68246-A.)

Samples of canned shrimp taken from the shipment in this case were found to be decomposed.

On April 14, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about March 19, 1934, by the Indian Ridge Canning Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Mopaco Brand Medium Houma Wet Pack Shrimp * * * Packed by Montegut Packing Co., Inc., Montegut, La."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On May 22, 1934, the Montegut Packing Co., Inc., Terrebonne, La., having appeared as claimant for the property, and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,800, conditioned that the decomposed portion be separated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22535. Misbranding of apple butter. U. S. v. 21½ Dozen Jars and 27 Cases of Apple Butter. Default decrees of condemnation and forfeiture. Product delivered to relief organizations. (F. & D. nos. 32547, 32553. Sample nos. 52633-A, 67066-A, 67653-A.)

Sample jars of apple butter taken from the shipments in these cases were found to contain less than the labeled weight.

On April 16 and April 17, 1934, the United States attorneys for the Southern District of California and the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the respective district courts, libels praying seizure and condemnation of 27 cases of apple butter at Long Beach, Calif., and 21½ dozen jars of apple butter at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce, by the C. H. Musselman Co., of Biglerville, Pa., the former on or about December 8, 1933, from Baltimore, Md., and the latter on or about January 31, 1934, from Biglerville, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musselman's Brand Pure Apple Butter Contents One lb. Twelve oz. Manufactured by The C. H. Musselman Co., Biglerville, Pa."

It was alleged in the libels that the article was misbranded in that the statement on the label, "One Lb. Twelve Oz.," was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 10 and May 19, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to welfare or charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

22536. Misbranding of canned pitted cherries. U. S. v. 175 Cases, et al., of Canned Pitted Cherries. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 32555, 32564, 32584, 32606. Sample nos. 38835-A, 38837-A, 38842-A, 52638-A, 52643-A, 52649-A.)

These cases involved shipments of canned pitted cherries which contained excessive pits, and which were not labeled to indicate that they were substandard.

On April 18, April 20, and April 25, 1934, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,560 cases of canned pitted cherries, in various lots at Los Angeles, Long Beach, and Wilmington, Calif., alleging that the article had been shipped in interstate commerce, between the dates of September 16, 1933, and March 22, 1934, by the Geneva Preserving Co., from Geneva, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Ribbon Brand Cherries in Water Red Sour Pitted Cherries Geneva Preserving Co. Geneva, * * * N. Y." The remainder was labeled: "Iris Brand Water Pack Fancy Pitted Red Sour Cherries * * * Haas Baruch & Co., Los Angeles, Calif., Distributors."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it consisted of partially pitted cherries, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 29, 1934, the Geneva Preserving Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon the execution of bonds totaling \$6,500, conditioned that it be relabeled. On June 19, 1934, the product having been relabeled, final decree was entered ordering the bonds exonerated upon payment of costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22537. Adulteration of macaroni and spaghetti. U. S. v. 60 Packages of Macaroni, et al. Products ordered destroyed. (F. & D. nos. 32495, 32559. Sample nos. 61599-A, 66800-A, 66801-A.)

These cases involved shipments of macaroni and spaghetti which contained no egg but which were artificially colored to simulate the appearance of products containing egg.

On April 20 and April 23, 1934, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7 boxes of macaroni and 26 boxes of spaghetti at Great Falls, Mont., and 60 packages of macaroni at Havre, Mont., alleging that the articles had been shipped in interstate commerce, in part on or about February 16, 1934, and in part on or about March 7, 1934, by the Western Macaroni Manufacturing Co., Inc., from Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Ready Cut Macaroni [or "Spaghetti"] Almo Brand Manufactured by Western Macaroni Mfg. Co., Inc., Salt Lake City, Utah."

It was alleged in the libels that the articles were adulterated in that they contained a yellow coloring simulating egg, but no egg was present.

No claimant appeared for the property. On May 23, 1934, judgment was entered in the case instituted at Great Falls ordering that the products be destroyed unless taken down under bond within 10 days. On July 2, 1934, they were ordered destroyed. On July 21, 1934, judgment of condemnation and destruction was entered in the remaining case.

M. L. WILSON, *Acting Secretary of Agriculture.*

22538. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Default decree of condemnation. Product delivered to charitable associations. (F. & D. no. 32569. Sample no. 66812-A.)

This case involved a shipment of potatoes which were below the grade indicated on the label because of excessive grade defects.

On April 19, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Denver, Colo., consigned by the Idaho Sales Co., alleging that the article had been shipped in interstate commerce, on or about April 11, 1934, from Falls

City, Idaho (billed at Jerome, Idaho), and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. No. 1 Selected Three Star Brand Idaho Potatoes Packed in Idaho by the Idaho Sales Co., Kimberly, Idaho."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statement on the label, "U. S. No. 1", was false and misleading and tended to deceive and mislead the purchaser.

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

22539. Adulteration and misbranding of canned succotash. U. S. v. 43% Cartons of Canned Succotash. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32571. Sample no. 67855-A.)

Examination of the product in this case showed that some of the cans contained soaked dry lima beans instead of fresh lima beans and that the cans were badly corroded and the product had a strong metallic flavor.

On April 20, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43% cartons of canned succotash at Orangeburg, N. Y., alleging that the article had been packed by the Frederick City Packing Co., Frederick, Md., and had been shipped in interstate commerce on or about February 17, 1934, from Frederick, Md., by Edwin Smithson Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Es-Co-Ny Selected Full Flavored Succotash * * * Tasty fresh Lima Beans * * * Edwin Smithson Company, Inc. Distributors, New York."

It was alleged in the libel that the article was adulterated in that metallic substances had been mixed and packed with it so as to reduce or lower or injuriously affect its quality.

Misbranding was alleged for the reason that the statements on the label, "Selected Full Flavored Succotash" as applied to succotash of metallic flavor, and "Tasty fresh Lima Beans", as applied to succotash made in part of soaked dry lima beans, were false and misleading and tended to deceive and mislead the purchaser.

On May 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22540. Adulteration of evaporated apples. U. S. v. 195 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32595. Sample no. 61819-A.)

This case involved a shipment of evaporated apples that were insect-infested, moldy, and dirty.

On April 26, 1934, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 boxes of evaporated apples at San Antonio, Tex., alleging that the article had been shipped in interstate commerce, on or about March 5, 1934, by Rosenberg Bros. Co., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On May 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22541. Misbranding of canned cherries. U. S. v. 310 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32605. Sample nos. 68243-A, 68254-A.)

This case involved a product represented to be pitted cherries which fell below the standard established by this Department because of the presence of excessive pits and which was not labeled to indicate that it was substandard.

On April 26, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 310 cases of cherries at Somerville, Mass., alleging that the article had been shipped in interstate commerce, on or about January 29 and February 27, 1934, by Reid, Murdoch & Co., from Salem, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Monarch Pitted Red Cherries * * * Reid, Murdoch & Co., Chicago, Ill."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because it consisted of partially pitted cherries, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 28, 1934, Reid, Murdoch & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having paid costs of the proceedings to date, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$1,300, conditioned that it be brought into conformity with the law under the supervision of this Department, and that claimant pay all additional costs and expenses.

M. L. WILSON, *Acting Secretary of Agriculture.*

22542. Adulteration of canned mustard greens. U. S. v. 5½ Cases of Canned Mustard Greens. Default decree of destruction. (F. & D. no. 32614. Sample no. 69080-A.)

This case involved a shipment of canned mustard greens that were infested with flies, bugs, insects, and worms.

On April 27, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five and one-half cases of mustard greens at Ardmore, Okla., alleging that the article had been shipped in interstate commerce, on or about March 22, 1934, by the Thrift Packing Co., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Thrift Brand Mustard Greens * * * Thrift Packing Co. Dallas, Texas."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 31, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22543. Adulteration of butter. U. S. v. 11 Cases of Butter. Default decree of destruction. (F. & D. no. 32630. Sample nos. 61993-A, 61994-A.)

A sample of butter taken from the shipment involved in this case was found to contain mold and other filth, such as flies, rodent hairs, roaches, and ants.

On March 20, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about March 8, 1934, by the Louisville Creamery Co., from Louisville, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Southern Belle Creamery Butter [or "Cresta Creamery Butter"] * * * Distributed by Swift & Co."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 7, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22544. Adulteration of apples. U. S. v. 121 Boxes of Apples. Decree of condemnation. Product released under bond. (F. & D. no. 32633. Sample no. 48764.)

This case involved a shipment of apples which were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On April 9, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about March 30, 1934, by the Olympic Warehouse & Cold Storage Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Delicious D. S. Gamble, Brewster, Wash."

It was alleged in the libel that the article was adulterated in that it contained arsenic and lead, added poisonous or deleterious ingredients, which might have rendered the apples injurious to health.

On May 11, 1934, A. H. Holmes, trading as the Holmes Produce Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$250, conditioned that it be brought into conformity with the law under the supervision of this Department. On May 24, 1934, the product having been reconditioned, final decree was entered making the release permanent and ordering the bond exonerated upon payment of costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22545. Misbranding of mixed vegetables. U. S. v. 108 Cases of Mixed Vegetables. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32666. Sample no. 41399-A.)

Examination of the canned mixed vegetables involved in this case showed that the article was not composed of the varieties of vegetables listed and pictured on the label.

On May 3, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 cases of mixed vegetables at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about August 5, 1933, by the Larsen Co., from Green Bay, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "18K Brand Fancy Mixed Vegetables."

It was alleged in the libel that the article was misbranded in that the design on the label, which included prominent pictorial representation of tomatoes, corn, celery, cabbage, and beets, was false and misleading and tended to deceive and mislead the purchaser, since the product consisted essentially of a mixture of carrots, potatoes, and turnips; and in that the statement on the label, "Green beans, carrots, celery, peas, corn, onions, rutabagas, cabbage, potatoes, turnips all are in this can", was false and misleading and tended to deceive and mislead the purchaser since the can contained little or no beans, celery, peas, corn, onions, rutabagas, or cabbage, but consisted essentially of carrots, potatoes, and turnips.

On June 20, 1934, the Winston & Newell Co., Minneapolis, Minn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22546. Misbranding of preserves. U. S. v. 129 Cases of Preserves. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32688. Sample nos. 66604-A, 66605-A.)

This case involved a shipment of assorted preserves. Sample jars taken from the cherry, blackberry, peach, apricot-pineapple, and pineapple were found to contain less than 1 pound, the weight declared on the label.

On May 9, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 129 cases of assorted preserves at Denver, Colo., consigned by the National Fruit Canning Co., alleging that the articles had been shipped in interstate commerce on or about July 15, 1933, from Seattle, Wash., and charging misbranding in violation of the Food and

Drugs Act as amended. The articles were labeled in part: "Contents 1 lb. Red & White Brand Cherry [or "Apricot-Pineapple", "Pineapple", "Blackberry", "Peach", "Strawberry", "Raspberry", or "Loganberry"] Pure Preserves * * * Red & White Corp'n Distributors."

It was alleged in the libel that the articles were misbranded in that the statement on the label, "Contents 1 lb.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents since the statement on the label was incorrect.

On May 9, 1934, the National Fruit Canning Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,680, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22547. Misbranding of apple butter. U. S. v. 40 Cases of Apple Butter. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32692. Sample nos. 65693-A, 64977-A.)

Sample jars of butter taken from the shipment in this case were found to contain less than 2 pounds, the labeled weight.

On or about May 11, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of apple butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 22, 1934, by the Goodwin Preserving Co., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "None-Such Brand Pure Apple Butter With Pure Apple Cider Net Weight 2 Lbs. Durand-McNeill-Horner Co. Distributors, Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 2 Lbs.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 18, 1934, the Durand-McNeill-Horner Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22548. Adulteration of tullibeas. U. S. v. 3 Boxes of Fish (Tullibeas). Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32696. Sample no. 65369-A.)

This case involved an interstate shipment of tullibeas that were infested with worms.

On April 6, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 29, 1934, by John Neumiller, from Williams, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance unfit for food.

On May 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22549. Adulteration of butter. U. S. v. 3 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32697. Sample no. 69633-A.)

This case involved a shipment of butter, a sample of which was found to contain cow hairs, rodent hairs, a bug, and miscellaneous other filth.

On April 20, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about April 2, 1934, by W. W. Butler, from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On May 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22550. Adulteration of butter. U. S. v. 14 Cubes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32836. Sample no. 73349-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On May 14, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about May 9, 1934, by the Glacier Dairy, from Kalispell, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. E. Turner & Co. Seattle, Wn."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of butterfat had been substituted for butter, a product which should contain not less than 80 percent of butterfat as provided by the act of March 4, 1923.

On May 25, 1934, the Glacier Dairy, Kalispell, Mont., having appeared as claimant for the property and costs of the proceedings having been paid, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$400, conditioned that it would not be sold or otherwise disposed of in violation of the Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22551. Adulteration of crab meat. U. S. v. 12 Cans and 5 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33184. Sample no. 5548-B.)

This case involved an interstate shipment of crab meat which was found to be polluted.

On July 30, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cans of crab meat at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 24, 1934, by Tilghman Packing Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22552. Adulteration of crab meat. U. S. v. 13 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33185. Sample no. 5546-B.)

This case involved an interstate shipment of crab meat which was found to be polluted.

On July 30, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cans of crab meat at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 25, 1934, by N. R. Coulbourn from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22553. Adulteration of cherries. U. S. v. 4 Baskets of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33216. Sample no. 5317-B.)

This case involved an interstate shipment of cherries, a portion of which bore excessive arsenic and the remainder of which bore excessive lead.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four baskets of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 19, 1934, by Sam Ponto & Sons from Syracuse, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On July 29, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22554. Adulteration of butter. U. S. v. 1 Barrel, more or less, of Packing Stock Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32624. Sample no. 65817-A.)

A sample of butter taken from the shipment involved in this case was found to contain filth.

On April 5, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of packing-stock butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 5, 1934, by Bonham Poultry & Egg Co., from Bonham, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 7, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22555. Misbranding of apple butter. U. S. v. 33 Cases of Apple Butter. Default decree of condemnation and forfeiture. Products delivered to welfare organization. (F. & D. no. 32484. Sample no. 68647-A.)

Sample jars of apple butter taken from the shipment involved in this case were found to contain less than 2 pounds 1 ounce, the labeled weight.

On April 2, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases of apple butter at Litchfield, Ill., alleging that the article had been shipped in interstate commerce on or about March 1, 1934, by Salomo Food Products Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Tast-Good Brand Two Lbs. One Oz. Pure Apple Butter Distributed by Empire Distributing Co., St. Louis, Mo."

It was alleged in the libel that the article was misbranded in that the statement "Net Wt. Two Lbs. One Oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On July 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a welfare organization, and that it be relabeled "2 Lbs."

M. L. WILSON, *Acting Secretary of Agriculture.*

22556. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$28. (F. & D. no. 31500. Sample nos. 23141-A, 23142-A.)

This case involved interstate shipments of butter that contained less than 80 percent by weight of milk fat.

On April 14, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mutual Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about May 2 and May 9, 1933, from the State of Utah into the State of Nevada, of quantities of butter which was adulterated and misbranded. On May 5, 1934, the information was amended. The article was labeled in part: "Maid O' Clover * * * Butter * * * Manufactured & Distributed by Mutual Creamery Company * * * Salt Lake City, Utah."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the package, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that it was butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by law, whereas it contained less than 80 percent of milk fat.

On May 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$28.

M. L. WILSON, *Acting Secretary of Agriculture.*

22557. Adulteration of butter. U. S. v. Westport Cooperative Creamery Association. Plea of guilty. Fine, \$25. (F. & D. no. 31490. Sample no. 32003-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Westport Cooperative Creamery Association, a corporation, Westport, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 8, 1933, from the State of Minnesota into the State of New York, of a quantity of butter which was adulterated. The article was labeled in part: "Zenith-Godley Co., N. Y."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On May 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22558. Adulteration of butter. U. S. v. Edwin Manz, Walter Kruger, and Herbert R. Schmitt (Paynesville Cooperative Creamery Association). Pleas of guilty. Fine, \$25. (F. & D. no. 31420. Sample no. 11005-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edwin Manz, Walter Kruger, and Herbert R. Schmitt, trading as the Paynesville Cooperative Creamery Association, Paynesville, Minn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 24, 1932, from the State of Minnesota into the State of New York, of a quantity of butter which was adulterated. The article was labeled in part: "S. & W. Waldbaum * * * New York."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On May 24, 1934, the defendants entered pleas of guilty to the information, and the court imposed a total fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22559. Adulteration and misbranding of butter. U. S. v. North American Creameries, Inc. Plea of nolo contendere. Fine, \$400. (F. & D. no. 30264. Sample nos. 9498-A, 16404-A.)

This case was based on interstate shipments of butter that contained less than 80 percent by weight of milk fat.

On January 2, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the North American Creameries, Inc., a corporation trading at Paynesville, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 21, and September 29, 1932, from the State of Minnesota into the State of Massachusetts, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Boxes) "Silverbrook A. & P. * * * Butter Packed for or by New England Butter Whse, Springfield, Massachusetts."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, i. e., a product containing not less than 80 percent by weight of milk fat; whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On June 25, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$400.

M. L. WILSON, *Acting Secretary of Agriculture.*

22560. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Petition for release denied. Decree of forfeiture. Product delivered to relief association. (F. & D. no. 32416. Sample no. 65677-A.)

This case involved a shipment of potatoes represented to be U. S. Grade No. 1 which were found to be below the grade specified because of excessive grade defects.

On March 26, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 12, 1934, by J. E. O'Neil from Idaho Falls, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. No. 1 Selected Idaho Three Star Brand Potatoes Packed by O'Neil, Idaho Falls, Idaho."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement "U. S. Number One", borne on the label, was false and misleading and deceived and misled the purchaser.

Christ Hansen and George F. Wilke, trading as Christ Hansen & Co., Chicago, Ill., appeared as claimant, tendered payment of costs and petitioned that the product be released under bond for regrading. On or about April 7, 1934, the United States attorney having appeared in opposition to the release of the product, the petition was argued and overruled. On May 9, 1934, judgment was entered ordering that the product be forfeited and distributed to a relief association.

M. L. WILSON, *Acting Secretary of Agriculture.*

22561. Adulteration and misbranding of alleged Scotch whisky. U. S. v. 28½ Cases, et al., of Vat 6 Old Scotch Whiskey. Decrees of condemnation and forfeiture. Portions of product released under bond to be relabeled. Remainder destroyed. (F. & D. nos. 31992, 31999, 32002, 32023 to 32029, incl., 32046, 32047, 32049, 32050, 32051, 32052, 32068, 32069, 32072, 32073, 32079, 32269, 32270, 32271. Sample nos. 41248-A, 47010-A to 47016-A, incl., 51650-A, 51677-A, 51678-A, 51680-A, 51682-A, 54568-A, 54571-A, 54572-A, 58876-A, 58877-A, 58878-A, 58924-A to 58928-A, incl., 58929-A, 58931-A, 58932-A, 62091-A, 66960-A, 66961-A, 67815-A to 67824-A, incl.)

These cases involved alleged Scotch whisky which consisted in whole or in part of diluted alcohol of domestic origin.

On February 15, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28½ cases of alleged Scotch whisky at Baltimore, Md. Between the dates of February 17, 1934, and March 9, 1934, libels were filed in the district courts for the Districts of New Jersey, Massachusetts, Maryland, and Minnesota against 333½ cases or cartons and 806 bottles of the same product within the jurisdiction of the said courts. It was alleged in the libels that the article had been shipped in interstate commerce by Joseph Beck Sons, Inc., New York, N. Y.; that the shipments had been made between the dates of December 18, 1933, and February 23, 1934, and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Vat 6 Old Scotch Whiskey A Blend. Blended and Bottled by Joseph Beck Sons, Inc., New York, N. Y."

The libels charged adulteration of the article in that a substance, alcohol, had been mixed and packed therewith so as to reduce and lower its quality; in that alcohol had been substituted wholly or in part for the article, and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Old Scotch Whiskey" and the design of a bust of a Scotchman in native garb, appearing on the label, were false and misleading and deceived and misled the purchaser; and for the further reason that it was offered for sale under the distinctive name of another article, "Old Scotch Whiskey."

Certain of the libels charged further misbranding of the product in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made ("25½ oz." or "16 oz.") were not expressed in terms of liquid measure and were not in terms of the largest unit in the package.

Joseph Beck Sons, Inc., entered an appearance on its own behalf or as representative of others in the 3 cases filed in Massachusetts, 2 filed in Maryland, and 12 of the cases filed in New Jersey, and admitted the allegations of the libels filed in said cases. Claimant also appeared for the product in the remaining Maryland case and the Minnesota case. On April 2, 1934, a consolidated decree of condemnation and forfeiture was entered in the cases instituted in the District of Massachusetts, and the court ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$6,000, conditioned that the labels be obliterated or destroyed and new labels affixed to the container describing the true nature of the product. Decrees of condemnation with provision for release for relabeling were entered in the District of Maryland on April 13 and May 1, 1934; in the District of Minnesota on April 14, 1934, and in the District of New Jersey on June 22, 1934. No claimant appeared for several small lots in the District of New Jersey and on March 20, and August 11, 1934, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said lots be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22562. Adulteration and misbranding of frozen eggs. U. S. v. 700 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28002. I. S. no. 52267. S. no. 6037.)

This case involved a shipment of frozen eggs which upon analysis were found to be low in solids and fat, indicating the presence of added water.

On April 11, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 cans of frozen eggs at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about May 19, 1931, by Swift & Co., from Keokuk, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Brookfield Frozen Eggs, free from adulterants * * * Swift & Company. U. S. A. Whole."

It was alleged in the libel that the article was adulterated in that water had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Frozen Eggs free from Adulterants", was false and misleading and deceived and misled the purchaser.

On July 27, 1932, Swift & Co., claimant, having admitted the allegations of the libel and paid costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$500, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22563. Adulteration of canned salmon. U. S. v. 1,443 Cases of Canned Salmon. Tried to the court. Judgment for the Government. Decree of condemnation; product released under bond. (F. & D. no. 28038. Sample nos. 14839-A, 26041-A.)

Samples of canned salmon taken from the shipment in this case were found to be partially decomposed.

On September 21, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,443 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 24, 1932, by Libby, McNeill & Libby, from Lockport, Alaska, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 19, 1932, Libby, McNeill & Libby entered an appearance and filed a claim and answer. On November 20, 1933, a motion for the entry of an order directing that the product be delivered to claimant was argued before the court and denied. On February 28, 1934, the case was tried to the court and on May 23, 1934, the following memorandum decision was handed down (Cushman, D. J.):

"The statute (title 21, U. S. C. A., sectn. 14) in part, provides:

* * * * Upon payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of said sections, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. * * *

"Libelant contends that, although the owner offers to pay the costs and give bond and the court finds that the seized food is only decomposed in part; that it is feasible to separate the decomposed portion from the remainder and that the claimant offers to do so under the supervision of representatives of the Food and Drug Administration, yet, the court, by the act quoted, is vested with a discretion and may refuse delivery to the owner and order the destruction or sale of the seizure.

"Conceding, in a suit such as the present, a principle analogous to that of equity requiring a petitioner for such relief to come into court with clean hands, yet two objections appear to its application in this case:

"First, the evidence does not warrant the court in finding intentional wrong doing on the part of the claimant.

"Second, public policy may require the relaxation of the rule recognized by the maxim to which reference is made. 21 Corpus Juris 189, Sect. 175 and cases cited to the text.

"It is not only public policy to prevent the distribution of food that is decomposed but it is also public policy to conserve the food supply, for it is the greater which includes the less. It may be that it is in answer to this that the libellant contends that the statute reading 'the same shall be disposed of by *destruction or sale* as the said court may direct', destruction of the wholesome portion of the seizure is not demanded by the law but a sale is permitted.

"It may be conceded that where a separation of the decomposed food from the wholesome might be readily accomplished without expense, the court would be authorized to in one decree order the destruction of the decomposed food and the sale of the wholesome, but in a seizure such as the present, the evidence showing that each can of salmon must be punctured or opened in order to determine whether the contents is wholesome, stale, tainted, or putrid, and the wholesome—in order to preserve it—thereafter re-sealed and re-cooked, such a course is unwarranted. It is not to be expected that the claimant would pay such expense nor is it shown that the libellant has any appropriation from which such expense could be paid or that the court would be warranted in putting libellant to such expense. It follows that any sale ordered by the court would be of the entire seizure, which would be objectionable for reasons presently stated.

"It is not to be expected that strangers to this proceeding, at a point from which salmon is distributed throughout the United States and over a great part of the world, will, upon a sale, bid anything near the actual value of a product condemned as partly decomposed. It is to be anticipated that the claimant for a nominal amount will become the purchaser. The seized product would then be free and might be sold intrastate without reconditioning insofar as any law of the United States is concerned.

"In view of such consequences, a greater danger than any here shown would alone warrant (costs being paid), the denial of a decree for delivery upon claimant giving the statutory bond in an amount which is hereby fixed at \$10,000. That such is the proper course in such a case appears to have been recognized by the Circuit Court of Appeals for this circuit in *A. O. Anderson vs. United States*, 284 Fed. 542-545.

"A question remains upon which the parties have not been heard. The seized cans of salmon are not at present labeled. The second cooking of the cans of salmon found wholesome, to which reference has been made, leaves the contents of the can not the equal of the original pack—less palatable than if not reheated.

"The statute contains no express provision directing the court, in order to avoid the danger of misleading the purchaser, to require the affixing to the cans of fish found to be good and so treated, before disposition by claimant, of a label showing they have been twice cooked. The same rule in this respect would apply if the seizure, instead of being a product of the United States, was a shipment from a foreign country.

"Upon the question of the authority and propriety of the court so requiring, the parties will be heard at the time of the settlement of the Findings of Fact, Conclusions of Law and Decree, which will be upon notice.

"The Clerk will notify the attorneys for the parties of the filing of this decision."

On June 30, 1934, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant, costs of the proceedings having been paid and a bond in the sum of \$10,000, conditioned that the product would not be disposed of contrary to the provisions of the Food and Drugs Act having been posted.

M. L. WILSON, *Acting Secretary of Agriculture.*

22564. Adulteration of butter. U. S. v. Western Produce Co., Inc. (Lubbock Poultry & Egg Co.). Plea of guilty. Fine, \$50. (F. & D. no. 29340. I. S. no. 31665.)

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On August 18, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Produce Co., Inc., trading under the name of the Lubbock Poultry & Egg Co. at Lubbock, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 12, 1931, from the State of Texas into the State of New Mexico, of a quantity of butter that was adulterated. The article was labeled in part: "Finest Creamery Butter * * * Packed for Safeway Stores, Incorporated."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On June 20, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22565. Adulteration of tomato pulp. U. S. v. Wabash Valley Canning Co. Tried to the court. Judgment of guilty. Fine, \$50. (F. & D. no. 30175. I. S. nos. 44841, 50137, 50600.)

This case was based on a shipment of tomato pulp, samples of which were found to be in part decomposed.

On June 1, 1933, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wabash Valley Canning Co., a corporation, Attica, Ind., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 28, 1931, from the State of Indiana into the State of Illinois, of a quantity of tomato pulp that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 24, 1933, a plea of not guilty was entered on behalf of the defendant company. On June 8, 1934, the case having come on for trial before the court, judgment of guilty was entered and a fine of \$50 imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22566. Adulteration of butter. U. S. v. Soren Sorenson (Kimball Creamery Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. no. 30227. Sample no. 3570-A.)

This case was based on a shipment of butter that contained less than 80 percent by weight of milk fat.

On September 26, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Soren Sorenson, trading as the Kimball Creamery Co., Kimball, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 27, 1932, from the State of Nebraska into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On June 11, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22567. Adulteration of butter. U. S. v. Orchard Alfalfa Cooperative Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 30251. Sample no. 11021-A.)

This case was based on a shipment of butter that contained less than 80 percent by weight of milk fat.

On September 27, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Orchard Alfalfa Cooperative Creamery Co., a corporation, Orchard, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 9, 1932, from the State of Nebraska into the State of New York, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

On June 20, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22568. Adulteration and misbranding of vinegar and misbranding of canned black-eyed peas, canned pork and beans, and canned chili beans. U. S. v. Universal Manufacturing Co. Plea of guilty. Fine, \$220. (F. & D. no. 30307. Sample nos. 2228-A, 2229-A, 2248-A, 2422-A, 2423-A, 2424-A.)

This case was based on interstate shipments of the following products: Cider vinegar that was deficient in acidity; distilled vinegar that contained added water, was deficient in acidity, and was not labeled with a plain and conspicuous statement of the quantity of the contents; and canned black-eyed peas, canned pork and beans, and canned chili beans that were short weight.

On January 19, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Universal Manufacturing Co., a corporation, Abilene, Tex., alleging that the defendant company had shipped on or about September 3 and October 8, 1931, from the State of Texas, into the State of New Mexico, quantities of vinegar which was adulterated and misbranded; had shipped on or about November 25, 1931, from the State of Texas into the State of New Mexico a quantity of black-eyed peas that were misbranded; and had delivered for shipment from the State of Texas into the State of New Mexico, between the dates of May 12 and July 8, 1932, a quantity of distilled vinegar that was adulterated and misbranded and quantities of canned black-eyed peas, canned pork and beans, and canned chili beans that were misbranded. The articles were labeled in part, variously: "Woman's Club Apple Cider Vinegar"; "Justo Colored Distilled Vinegar Packed by Universal Manufacturing Co. Abilene Texas"; "Woman's Club Blackeyed Peas [or "Pork and Beans" or "Chili Beans"] * * * Net Contents 1 Lb Avoirdupois Packed by Universal Mfg Co. Abilene Texas."

It was alleged in the information that the apple cider vinegar was adulterated in that a product deficient in acidity for apple cider vinegar had been substituted for apple cider vinegar which the article purported to be; and that the distilled vinegar was adulterated in that a product containing an excessive quantity of added water and deficient in acidity for distilled vinegar had been substituted for distilled vinegar which the article purported to be.

Misbranding of the vinegars was alleged in that the statements, "Apple Cider Vinegar" and "Distilled Vinegar", on the respective labels were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser since they were not apple cider vinegar and distilled vinegar. Misbranding of the distilled vinegar was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the canned black-eyed peas, canned pork and beans, and canned chili beans was alleged for the reason that the statement "Net Contents 1 Lb", borne on the label, was false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser since the cans contained less than 1 pound. Misbranding of the said canned black-eyed peas, pork and beans, and chili beans was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On April 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$220.

M. L. WILSON, *Acting Secretary of Agriculture.*

22569. Misbranding of potatoes. U. S. v. Wesco Foods Co. Plea of guilty. Fine, \$50. (F. & D. no. 30310. I. S. no. 41129.)

This case was based on a shipment of potatoes represented to be United States grade No. 1 which were below the grade indicated because of excessive grade defects consisting of growth cracks, badly misshapen potatoes, shatter bruises, bad scab, cuts, growth knobs, potatoes with knobs broken off, and sunburn.

On January 3, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wesco Foods Co., a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 18, 1931, from the State of Illinois into the State of Missouri, of a quantity of potatoes that were misbranded. The article was labeled, (Tag) "U. S. Grade No. 1 Potatoes."

It was alleged in the information that the article was misbranded in that the statement "U. S. Grade No. 1", borne on the tags, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since the potatoes were of a grade inferior to U. S. No. 1.

On June 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, Acting Secretary of Agriculture.

22570. Adulteration of dried grapes. U. S. v. 1,050 Cases and 1,050 Cases of Dried Grapes. Decrees of condemnation and forfeiture. One hundred cases released; remainder destroyed. (F. & D. nos. 31297, 31571. Sample nos. 37378-A, 54976-A.)

These cases involved shipments of dried grapes which were insect-infested and moldy.

On November 1 and 10, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels against 1,050 cases of dried grapes at Tacoma, Wash., and 1,050 cases at Seattle, Wash., consigned by the Federal Fruit Distributors, Fresno, Calif., alleging that the article had been shipped in interstate commerce, on or about September 2 and October 25, 1933, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. One shipment of the article was labeled in part: "Cinelli No. 1 Grade Fancy Alicante Grapes." The other shipment was labeled in part: "Buon Gusto Brand Fancy Dried Black Alicante, Metropolitan Grocery Co., Seattle, U. S. A."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On January 9, 1934, the Federal Fruit Distributors, claimant, having admitted the allegations of the libel filed at Seattle, Wash., as to the 100 cases of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said 100 cases be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that the decomposed portions thereof be destroyed. On May 21, 1934, default was entered in the case instituted at Tacoma and the court ordered the product condemned and destroyed. On June 4, 1934, the remainder of the lot seized at Seattle was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

22571. Adulteration of dried grapes. U. S. v. 1,600 Cases of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31298. Sample nos. 37377-A, 45318-A.)

This case involved a shipment of dried grapes which were insect-infested and moldy.

On October 31, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,600 boxes of dried grapes at Tacoma, Wash., consigned by Memorie Fruits, Ltd., Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about October 19, 1933, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "25 Lbs. Net Cinellis No. 1 Fancy Grade Alicante Grapes."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On May 21, 1934, default having been entered against the claimant, the Federal Fruit Distributors, Fresno, Calif., and the court having heard the testimony, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the Federal Fruit Distributors pay the cost of the proceedings.

M. L. WILSON, Acting Secretary of Agriculture.

22572. Adulteration and misbranding of bone meal. U. S. v. Riverdale Products Co. Plea of guilty. Fine, \$25. (F. & D. no. 31355. Sample no. 19176-A.)

This case was based on a shipment of bone meal that contained less bone phosphate of lime, less protein, less fat, and more fiber than declared on the label, and also contained undeclared calcium carbonate.

On January 3, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Riverdale Products Co., a corporation,

Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 7, 1932, from the State of Illinois into the State of Indiana, of a quantity of bone meal which was adulterated and misbranded. Attached to the sacks containing the article were two tags, both labeled, "Steamed Bone Meal, Manufactured by Riverdale Products Company, Chicago." Further statements regarding the ingredients, also appearing on the tags, are set out below.

It was alleged in the libel that the article was adulterated in that an added substance, calcium carbonate in excess of the normal amount contained in bone meal, had been substituted in part for the article. Adulteration was alleged for the further reason that a product containing less than 5 percent of crude protein, less than $1\frac{1}{2}$ percent of crude fat, less than 70 percent of bone phosphate of lime and more than 2 percent of crude fiber and more than the normal amount of calcium carbonate contained in bone meal, had been substituted for bone meal containing not less than 5 percent of crude protein, not less than $1\frac{1}{2}$ percent of crude fat, not less than 70 percent of bone phosphate of lime, and not more than the normal amount of calcium carbonate contained in bone meal, and not more than 2 percent of crude fiber, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Bone Meal, Ingredients: Bone Meal, Analysis: Guaranteed 5 Per Cent Max. Crude Protein, $1\frac{1}{2}$ Per Cent Max. Crude Fat, 70 Per Cent Min. Bone Phosphate of Lime", borne on one of the tags, and the statements, "Bone Meal Guaranteed Analysis Crude Protein, not less than 5.0% Crude Fat, not less than 1.5% Crude Fiber, not more than 2.0%, Ingredients: Bone Meal containing 70% Bone Phosphate of Lime", borne on the other tag, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 5 percent of crude protein, less than $1\frac{1}{2}$ percent of crude fat, less than 70 percent of bone phosphate of lime, more than 2 percent of crude fiber, and contained undeclared calcium carbonate in excess of the normal amount contained in bone meal.

On May 17, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22573. Adulteration of apples. U. S. v. Quick & Harris Co. Plea of nolo contendere. Fine, \$10. (F. & D. no. 31380. Sample no. 18039-A.)

This case was based on an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On February 21, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Quick & Harris Co., a corporation, Yakima, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 5, 1932, from the State of Washington into the State of Montana, of a quantity of apples which were adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 4, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22574. Misbranding of butter. U. S. v. Carlson-Frink Co. Plea of guilty. Fine, \$200 and costs. (F. & D. no. 31435. Sample nos. 28159-A, 28160-A.)

This case was based on interstate shipments of short-weight butter.

On February 27, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carlson-Frink Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 21 and February 28, 1933, from the State of Colorado into the State of New Mexico, of quantities of butter which was misbranded. The article was labeled in part: "Mountain Kist Butter A Frink Product * * * Carlson-Frink Co., Denver, Colo. One Pound Net."

It was alleged in the information that the article was misbranded in that the statement "One Pound Net", borne on the packages containing the article,

was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 9, 1934, a plea of guilty was entered on behalf of the defendant company. On May 11, 1934, judgment was entered imposing a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22575. Misbranding of potatoes. U. S. v. 170 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond to be re-sacked or relabeled. (F. & D. no. 30571. Sample no. 46462-A.)

Sacks of potatoes taken from the shipment involved in this case were found to contain less than 100 pounds, the labeled weight.

On June 8, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 sacks of potatoes at Minneapolis, Minn., consigned by L. Markman, alleging that the article had been shipped in interstate commerce, on or about May 29, 1933, from Lockport, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Unclassified Selected Potatoes 100 Pounds When Packed Markman Produce Co., Des Moines, Iowa."

It was alleged in the libel that the article was misbranded in that the statement, "One Hundred Pounds when packed", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 10, 1933, a claim having been filed for the property, and the court having found that the product could be lawfully sold if re-sacked to the declared weight, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be disposed of only in conformity with the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

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